

**AGENDA
IRVINE RANCH WATER DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING**

May 14, 2012

PLEDGE OF ALLEGIANCE

CALL TO ORDER 5:00 P.M., Board Room, District Office
15600 Sand Canyon Avenue, Irvine, California

ROLL CALL Directors Reinhart, LaMar, Swan, Withers and President Matheis

NOTICE

If you wish to address the Board on any item, including Consent Calendar items, please file your name with the Secretary. Forms are provided on the lobby table. Remarks are limited to five minutes per speaker on each subject. Consent Calendar items will be acted upon by one motion, without discussion, unless a request is made for specific items to be removed from the Calendar for separate action.

COMMUNICATIONS TO THE BOARD

1. A. Written:
- B. Oral: Mrs. Joan Irvine Smith relative to the Dyer Road Wellfield.

2. **ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

Recommendation: Determine that the need to discuss and/or take immediate action on item(s) introduced come to the attention of the District subsequent to the agenda being posted.

<u>CONSENT CALENDAR</u>	<u>Next Resolution No. 2012-19</u>	<u>Items 3-10</u>
3. <u>MINUTES OF REGULAR BOARD MEETING</u> Recommendation: That the minutes of the April 23, 2012 Regular Board Meeting be approved as presented.		
4. <u>RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS</u> Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Mary Aileen Matheis, Douglas Reinhart, Peer Swan and John Withers.		

CONSENT CALENDAR – Continued

Items 3-10

5. CANDIDATE STATEMENTS FOR 2012 GENERAL ELECTION

Recommendation: That the Board direct the District Secretary to authorize 200 words on the Candidate's Statement of Qualifications and elect not to pay for these statements.

6. 2012 STATE LEGISLATIVE UPDATE

Recommendation: That the Board take a SUPPORT position on AB 2230 (Gatto), AB 2443 (Williams), AB 1508 (Carter), SB 1045 (Emmerson), and SB 1387 (Emmerson) and an OPPOSE position on AB 1692 (Wieckowski), AB 1813 (Buchanan), AB 1884 (Buchanan), and AB 2422 (Berryhill).

7. NOMINATION OF JO MACKENZIE FOR CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BOARD – REGION 6, SEAT A

Recommendation: That the Board adopt a resolution nominating Jo MacKenzie to the California Special Districts Association Board, Region 6, Seat A, for the 2013-2015 Term.

Reso. No. 2012-

8. ADMINISTRATIVE CLAIM FOR DAMAGES – CHEN

Recommendation: That the Board receive the Claim for Damages from Charles Wei Chen without action.

9. SAND CANYON MEDICAL OFFICE CONSTRUCTION PROJECT REDUCTION OF RETENTION

Recommendation: That the Board authorize the reduction of retention from 10% to 5% of the contract amount and release of funds in excess of 5% of the contract amount from retention currently held for the Sand Canyon Office Project, Project No. 11118 (1284).

10. ROOF REPAIR PROJECT FOR THREE SITES EXPENDITURE AUTHORIZATION APPROVAL

Recommendation: That the Board approve Expenditure in the amounts of \$64,400 for project 11589 (1328), \$77,800 for project 21589 (1538) and \$43,800 for project 31589 (1267) for the Roof Repair at Three Sites project.

ACTION CALENDAR

11. ELEVENTH AND TWELFTH AMENDMENTS TO AGREEMENT FOR PARTICIPATION AND CO-FUNDING IN SPECIFIED MUNICIPAL WATER DISTRICT OF ORANGE COUNTY REBATE PROGRAMS

Recommendation: That the Board authorize the General Manager to execute the Eleventh and Twelfth Amendments to the Agreement for Participation and Co-funding by Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs, subject to non-substantive changes, adding \$50,000 in funding for FY 2011-12, and approving \$450,000 in funding for FY 2012-13, for cost-effective Tactical Incentive water use efficiency measures.

12. POLLUTION INSURANCE RENEWAL – IRVINE DESALTER PROJECT

Recommendation: That the Board approve the District's three-year pollution and remediation legal liability insurance policy renewal for the Irvine Desalter Project with XL Insurance in an amount not to exceed \$257,554 and authorize the General Manager to execute any documents necessary to bind such coverage.

OTHER BUSINESS

Pursuant to Government Code Section 54954.2, members of the Board of Directors or staff may ask questions for clarification, make brief announcements, make brief reports on his/her own activities. The Board or a Board member may provide a reference to staff or other resources for factual information, request staff to report back at a subsequent meeting concerning any matter, or direct staff to place a matter of business on a future agenda. Such matters may be brought up under the General Manager's Report or Directors' Comments.

13. A. General Manager's Report

B. Directors' Comments

1)

2)

OTHER BUSINESS – Continued

13. B. Directors' Comments

3)

4)

5)

C. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – significant exposure to litigation pursuant to Government Code Section 54956.9 (b) (one or more potential cases).

D. Adjourn. The meeting will be adjourned to Monday, May 21, 2012 at 11:00 a.m. in the Multi-Purpose Room to hold a Strategic Planning Workshop.

* * * * *

Availability of agenda materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Irvine Ranch Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, 15600 Sand Canyon Avenue, Irvine, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Secretary of the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during, the meeting, they will be available at the entrance to the Board of Directors Room of the District Office.

The Irvine Ranch Water District Board Room is wheelchair accessible. If you require any special disability-related accommodations (e.g., access to an amplified sound system, etc.), please contact the District Secretary at (949) 453-5300 during business hours at least seventy-two (72) hours prior to the scheduled meeting. This agenda can be obtained in alternative format upon written request to the District Secretary at least seventy-two (72) hours prior to the scheduled meeting.

May 14, 2012
Prepared and
Submitted by: L. Bonkowski
Approved by: P. Cook



CONSENT CALENDAR

MINUTES OF REGULAR BOARD MEETING

SUMMARY:

Provided are the minutes of the April 23, 2012 Regular Board Meeting for approval.

FISCAL IMPACTS:

None.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Not applicable.

RECOMMENDATION:

THAT THE MINUTES OF THE APRIL 23, 2012 REGULAR BOARD MEETING BE APPROVED AS PRESENTED.

LIST OF EXHIBITS:

Exhibit "A" – April 23, 2012 Regular Board Meeting

EXHIBIT "A"

MINUTES OF REGULAR MEETING –APRIL 23, 2012

The regular meeting of the Board of Directors of the Irvine Ranch Water District (IRWD) was called to order at 5:00 p.m. by President Matheis on April 23, 2012 in the District office, 15600 Sand Canyon Avenue, Irvine, California.

Directors Present: Swan, LaMar, Withers, Reinhart and Matheis.

Directors Absent: None.

Also Present: General Manager Cook, Executive Director of Operations Pedersen, Executive Director of Engineering and Planning Burton, Executive Director of Finance Cherney, Executive Director of Water Policy Heiertz, Secretary Bonkowski, Legal Counsel Arneson, Director of Water Resources Weghorst, Assistant Director of Finance/Treasurer Jacobson, Assistant Treasurer Fournier, Director of Human Resources Wells, Director of Administrative Services Mossbarger, Director of Water Operations Posey, Director of Public Affairs Beeman, Assistant Director of Water Policy Sanchez, Mr. Mike Hoolihan, Ms. Kirsten McLaughlin, Ms. Gretchen Maswadeh, Mr. Jim Reed, Mr. Wayne Clark, Mr. Bruce Newell, Ms. Shannon Reed, Mr. Yves McGale, and other members of the public and staff.

WRITTEN COMMUNICATION: None.

ORAL COMMUNICATION:

Mrs. Joan Irvine Smith's assistant addressed the Board of Directors with respect to the Dyer Road wellfield. She said it was her understanding that currently wells 1, 5, 6, 7, C-8, C-9, 10, 15 and 17 will operate in accordance with the District's annual pumping plan. Wells, 2, 3, 4, 11, 12, 13, 14, 16 and 18 will be off. This was confirmed by Mr. Cook, General Manager of the District.

With respect to the Orange County Basin Groundwater Conjunctive Use Program being coordinated by Municipal Water District of Orange County (MWDOC) and Orange County Water District (OCWD), a Notice of Completion was approved by the OCWD Board of Directors on March 19, 2009. Metropolitan Water District has given notice to OCWD to extract 22,000 acre feet in fiscal year 2009/10. The extraction is being performed by agencies that constructed conjunctive use wells under this program. IRWD is not a participant. This was confirmed by Mr. Cook.

With respect to the OCWD annexation of certain IRWD lands, on June 5, 2009, IRWD received a letter from OCWD noting that OCWD has completed the formal responses to comments they previously received on the draft program Environmental Impact Report. The letter further noted that with this task completed, OCWD has exercised its right to terminate the 2004 Memorandum of Understanding (MOU) regarding annexation. OCWD also indicated that due to the lack of progress on the annexation issue, the draft program Environmental Impact Report will not be completed. On June 8, 2009, OCWD completed the Long-Term Facilities Plan which was received and filed by the OCWD Board in July 2009. Staff has been coordinating with the City of Anaheim (Anaheim) and Yorba Linda Water District (YLWD) on their most

recent annexation requests and has reinitiated the annexation process with OCWD. IRWD, YLWD and Anaheim have negotiated a joint MOU with OCWD to process and conduct environmental analysis of the annexation requests. The MOU was approved by the OCWD Board on July 21, 2010. This was confirmed by Mr. Cook.

With respect to the Groundwater Emergency Service Plan, IRWD has an agreement in place with various south Orange County water agencies, MWDOC and OCWD, to produce additional groundwater for use within IRWD and transfer imported water from IRWD to south Orange County in case of emergencies. IRWD has approved the operating agreement with certain south Orange County water agencies to fund the interconnection facilities needed to affect the emergency transfer of water. MWDOC and OCWD have also both approved the operating agreement. This was confirmed by Mr. Cook.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED: None.

WORKSHOPS

PROPOSED OPERATING BUDGET AND RATES AND CHARGES FOR FISCAL YEAR 2012-13

Using a PowerPoint presentation, Executive Director of Finance Cherney reviewed the schedule for budget and rate adoption. Ms. Cherney highlighted changes from the April 9, 2012 workshop noting that the Board rate setting actions by the Metropolitan Water District and Orange County Water District are lower than the original budget assumptions; therefore, the rate decrease warrants reducing the Los Alisos service area commodity increase by \$0.01 per ccf. Using a chart, she reviewed the proposed Fiscal Year (FY) 2012-13 Operating Budget of \$111.1 million, representing an increase of \$3.6 million, or 3.4%, over FY 2011-12. She further reviewed the proposed rate adjustments for the three rate areas including Irvine Ranch and Los Alisos, and also included comparison rates from fiscal year 2011-12 to fiscal year 2012-13.

Ms. Cherney reviewed the next steps including mailing the Proposition 218 notices on May 8, 2012, receiving and tabulating responses over the 45-day period; and on June 25, 2012 adopting proposed rates and charges effective July 1, 2012. Following Director Swan's comment on the budget that it is not a contractual agreement, on MOTION by Matheis, seconded and unanimously carried, **THE BOARD ADOPTED THE FOLLOWING RESOLUTION BY TITLE APPROVING THE OPERATING BUDGET FOR FISCAL YEAR 2012-13 (WITH RATES AND CHARGES FOR FISCAL YEAR 2012-13 TO BE CONSIDERED FOR ADOPTION ON JUNE 25, 2012); AND APPROVED THE PROPOSITION 218 NOTICES SUBJECT TO NON-SUBSTANTIVE MODIFICATIONS.**

RESOLUTION NO. 2012 – 18

RESOLUTION OF THE BOARD OF DIRECTORS
OF IRVINE RANCH WATER DISTRICT,
ORANGE COUNTY, CALIFORNIA
APPROVING DISTRICT'S OPERATING BUDGET FOR
FISCAL YEAR 2012-13 AND DETERMINING COMPLIANCE WITH
ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

WORKSHOPS (continued)

RETIREMENT STUDY – EVALUATION ON ALTERNATIVES

General Manager Cook reported that at the April 9, 2012 Board meeting, a Resolution of Intention was adopted for a second tier of pension benefits for future-hired employees. The provisions of that resolution included adopting a 2% at 60 CalPERS formula for future-hired employees with a three-year average final compensation. Employees hired into the second tier will be contributing 7.0% of salary to their CalPERS pensions based on the guidance provided by CalPERS in its valuation letter. Mr. Cook said that the previous modeling had included a 6.0% CalPERS pension contribution for Proposal D. Based on the Board-adopted Resolution of Intent, this assumption was no longer valid; therefore Proposal D was re-modeled to include a 7.0% employee contribution. Other assumptions included in this proposal (rate of return on assets at 7.25%, existing employees contributing 8.0% of salary, the District paying 25% of payroll along with the balance of the employee's 8.0% until the transition is complete, and the continuation of the District's match of up to 3.0% of each employee's base salary to his/ her 401(a) deferred compensation savings plan) remained the same. The outcome of the model run for the revised Proposal D (identified as "Proposal D-1") results in the District's pension liability being fully funded by 2033, or 21 years.

Due to a larger number of employees in the audience, President Matheis asked that any comments or questions be asked following the presentation by Executive Director of Finance Cherney. Using a PowerPoint presentation, Ms. Cherney reviewed projections for Plans A through D-1. She reviewed observations about the proposed alternatives and study process noting: 1) the projected period required to fully fund the District's pension liability does not vary significantly among the proposed plans; 2) the District's contributions under the proposed alternatives vary only slightly, while impact to employee take-home pay varies significantly between alternatives; 3) the fiscal year 2012-13 Operating Budget contemplates a District contribution rate of 25% employer contribution, roughly 3% employer-paid member contribution through March 1, 2013, then 2% through balance of fiscal year, and a 3% match to 401(a) savings plan; and 4) employees have expressed a strong desire for more certainty about what they can expect regarding: a) the District's continued 3% matching contributions to the 401(a) savings plan; b) the level of future pension contributions; and c) the timing and extent of any future changes.

Ms. Cherney said that staff recommends the Board discuss and identify a preferred alternative for the employee retirement benefits program. Once this direction is provided, staff will schedule employee all-hands meetings to discuss the preferred retirement plan design alternative. The employee meetings will also provide an opportunity for employee feedback to the preferred alternative, and will hopefully address some of the concerns with the uncertainties associated with the District's retirement benefits that have developed over time.

President Matheis asked if the employees in the audience had any questions or comments. There were none. She made a motion to select the D-1 Alternative. The motion was seconded by Director Reinhart. Director Matheis also said that that staff will submit items to the Board at future dates for adoption of any of the changes reflected in Plan D-1, such as any future shifts in the 8% employee contribution to the employees. Prior to taking a Board vote on this item, Director Swan clarified his comments from the April 9, 2012 Board meeting, provided a brief

history of employer deferred compensation matching program, and commented that the alternatives are projections only, and are not a contractual obligation for future Board members. General Manager Cook said that selecting an alternative is not intended to infer a contract and can be reviewed periodically with the Board as conditions change. Director Swan said he prefers the plan to be a 20 year *road map* and used for guidance only. Director Reinhart commented that the plan is subject to change; however, at this time, the D-1 Alternative reflects a good compromise on assumptions. Director LaMar concurred with Director Reinhart's comments. Director Withers commented on the process, said that it has been too lengthy, especially with the impacts to employees, and said he is appreciative of the talented employees at the District. He further said that he supports the 3% employer deferred compensation matching as well as the D-1 Alternative. Director Swan made a substitute motion to select the D-1 Alternative, with a cap on the deferred compensation employer match of \$1,500 per employee. The motion failed for lack of a second. Director Swan made a second substitute motion to select the D-1 Alternative and expressly state that the alternative is a guideline and road map, and not a 20 year commitment by the Board. The motion failed for lack of a second. There being no further discussion, on MOTION by Matheis, seconded by Reinhart and carried (4-1) (Matheis, Reinhart, LaMar and Withers voting aye, and Swan noting no), **THE BOARD SELECTED D-1 AS THE PREFERRED ALTERNATIVE FOR EMPLOYEES' RETIREMENT BENEFITS BASED ON AON HEWITT'S SUPPLEMENTAL FINANCIAL PROJECTIONS AND MODELING FOR THE DISTRICT'S CALPERS PENSION PROGRAM.**

CONSENT CALENDAR

On MOTION by Reinhart, seconded and unanimously carried, **CONSENT CALENDAR ITEMS 5 THROUGH 11 WERE APPROVED AS FOLLOWS:**

5. MINUTES OF REGULAR BOARD MEETING

Recommendation: That the minutes of the April 9, 2012 Regular Board Meeting be approved as presented.

6. RATIFY/APPROVE BOARD OF DIRECTORS' ATTENDANCE AT MEETINGS AND EVENTS

Recommendation: That the Board ratify/approve the meetings and events for Steven LaMar, Mary Aileen Matheis, Douglas Reinhart, Peer Swan and John Withers.

7. MARCH 2012 FINANCIAL REPORTS

Recommendation: That the Board receive and file the Treasurer's Investment Summary Report and the Monthly Interest Rate Swap Summary for March 2012; approve the March 2012 Summary of Payroll ACH payments in the total amount of \$1,376,566.20, and approve the March 2012 Accounts Payable Disbursement Summary of Warrants Nos. 327968 through 328835, Workers' Compensation distributions, wire transfers, payroll withholding distributions and voided checks in the total amount of \$21,061,870.07.

CONSENT CALENDAR (Continued)

8. DISTRICT STRATEGIC MEASURES DASHBOARD

Recommendation: That the Board receive and file the Strategic Measures Dashboard and Information items.

9. FISCAL YEAR 2011-12 MANHOLE REHABILITATION PROJECT – CONSTRUCTION AWARD

Recommendation: That the Board authorize the General Manager to execute a construction contract with Zebron Contracting, Inc. in the amount of \$192,500 for the Fiscal Year 2011-12 Manhole Rehabilitation project 20922 (1175).

10. MICHELSON WATER RECYCLING PLANT (MWRP) PHASE 2 EXPANSION AND FLOOD PROTECTION IMPROVEMENTS VARIANCE NO. 2

Recommendation: That the Board authorize the General Manager to execute Variance No. 2 with Harper and Associates in the amount of \$34,170 for supplemental coating inspection and engineering services associated with the MWRP Phase 2 Expansion, projects 20214 (1599) and 30214 (1706).

11. TUSTIN LEGACY DEVELOPMENT REIMBURSEMENT AGREEMENT WITH THE CITY OF TUSTIN

Recommendation: That the Board authorize a budget increase for the Legacy Park Tustin Ranch Road Project 11379 (3786) in the amount of \$259,400, from \$686,700 to \$946,100; for project 21379 (3787) in the amount of \$337,700, from \$703,300 to \$1,041,000; and for project 31379 (3788) in the amount of \$271,200, from \$884,600 to \$1,155,800; approve Expenditure Authorizations for project 11379 in the amount of \$259,400, project 21379 in the amount of \$337,700, and project 31379 in the amount of \$271,200; and authorize the General Manager to execute a Reimbursement Agreement with the City of Tustin for the design and construction of IRWD Capital Facilities on the Tustin Legacy development.

ACTION CALENDAR

NEWPORT BOULEVARD DOMESTIC WATER MAIN RELOCATION – CONTRACT CHANGE ORDER

Executive Director of Engineering Burton reported that this project will construct a replacement 12 inch water main in Newport Boulevard and 8 inch pipelines in the five sequential cross streets from Mesa Drive to Wilson Street. All existing water services will be relocated to the replacement water mains, and the existing mains will be abandoned. In January 2012, a construction contract in the amount of \$3,657,815.54 was awarded to Sully Miller Contracting Company (Sully Miller).

Mr. Burton said that the project plans stated the existing asphalt on Newport Boulevard was an average of 7 inches thick. Sully Miller's potholing determined the existing pavement thickness ranged from 6 to 22 inches with an average thickness of 18 inches. Staff reviewed Sully Miller's findings as well as the pothole report prepared by Dudek during the pipeline design, which was performed to verify the vertical locations of existing storm drain, gas, and electrical utilities crossing the domestic waterline's alignment in Newport Boulevard. Dudek's pothole report showed similar findings to Sully Miller's in that the pavement ranged from 6 to 24 inches. Staff determined that Dudek erroneously used an average of the asphalt thickness from the geotechnical report rather than its pothole report. Since Sully Miller's bid was based on removing only 7 inches of pavement, additional work is necessary to saw-cut, break, excavate and remove, haul-off and dispose the thicker pavement depth. Sully-Miller will need to use different equipment to remove the thicker pavement, e.g. larger saw to cut the pavement, a pavement breaking attachment on the backhoe to break up the pavement every 18 inches, and a larger excavator.

Mr. Burton said that Sully Miller also requested an additional 32 working days to remove the thicker pavement. Because the City of Costa Mesa has required the minimal use of steel plates for vehicle safety, Sully Miller is not able to remove the thicker pavement too far in advance of its pipeline installation. The removal of the thicker pavement will limit Sully Miller's pipeline installation production rate. The project documents calls for an intermediate project milestone to complete all work within City of Costa Mesa streets by June 13, 2012, approximately one month ahead of the opening of the Orange County Fair. Due to the unforeseen slowed production, the City of Costa Mesa has authorized 16 additional calendar days for working in the City right-of-way; the new intermediate project milestone date to complete all work within the City right-of-way is June 29, 2012. Sully Miller has agreed to this new intermediate milestone date.

Mr. Burton said that Sully Miller submitted a change order for the additional costs and time to install the replacement pipeline under the changed condition. Staff has reviewed Sully Miller's cost proposal, negotiated changes, and believes that the final cost is appropriate and reasonable. Contract Change Order No. 1 is in the amount of \$376,501.

Director Reinhart said that this item was reviewed and approved by the Engineering and Operations Committee on April 17, 2012. Director Withers left the Board room at 6:03 p.m. On MOTION by Reinhart, seconded and carried (4-1) (Reinhart, LaMar, Swan, and Matheis voting aye, and Withers absent), **THE BOARD AUTHORIZED A BUDGET INCREASE FOR PROJECT 10822 (1866) BY \$420,000, FROM \$4,859,500 TO \$5,279,500; APPROVED AN EXPENDITURE AUTHORIZATION IN THE AMOUNT OF \$420,000; AND APPROVED CONTRACT CHANGE ORDER NO. 1 IN THE AMOUNT OF \$376,501 WITH SULLY MILLER CONTRACTING COMPANY FOR THE NEWPORT BOULEVARD DOMESTIC WATER MAIN RELOCATION, PROJECT 10822 (1866).**

SYPHON RESERVOIR INTERIM IMPROVEMENTS - BUDGET ADDITION, EXPENDITURE AUTHORIZATION, AND CONSULTANT SELECTION

General Manager Cook reported that staff has been developing plans to integrate Syphon Reservoir into the recycled water system with a reconstructed dam and conveyance facilities which will substantially expand IRWD's recycled water seasonal storage capacity. Staff is anticipating that

the construction of the new dam could begin in four to six years pending completion of the project CEQA/NEPA, final design, and finalization of anticipated external funding sources.

Mr. Cook said that the interim project could be utilized to store and then discharge recycled water to the IRWD Zone A recycled water system. Staff anticipates that the interim project will improve the hydraulics of the recycled water system in Zone A, particularly as the Great Park and other developments east of Jeffery are completed. This project will consist of a filtration system, chlorination system, and piping and valve modifications to discharge water from the reservoir into the Zone A System until the permanent facilities supporting the reservoir are constructed and the reservoir is expanded.

Executive Director of Engineering Burton said that staff issued a Request for Proposal to AKM, Arcadis-US, Inc., HDR, Tetra Tech, and URS for the design of the project with each firm submitting a proposal. Staff evaluated the proposals and recommends the selection of URS based on their project understanding, project team, and design fee.

Mr. Burton said that while staff is taking steps to complete the environmental document and mitigation process (CEQA/NEPA), securing external project funding, and completing the design of the expanded reservoir, the District will benefit from utilizing the smaller, existing reservoir by constructing these improvements. Because these improvements will be removed once construction of the reservoir expansion project begins, staff completed a payback analysis to determine if it is economically feasible to construct the interim facilities. The key assumptions used in the analysis are: 1) by not having to discharge flows to the Orange County Sanitation District, IRWD would recognize one year of CORF savings in 2013; 2) after 2013, OCWD will have constructed the necessary pipeline between the Green Acres Project (GAP) system and Groundwater Replenishment System, making GAP the preferred option for wintertime disposal; 3) that IRWD would recognize an annual savings on the purchase of 450 acre-feet of Metropolitan Water District (MWD) untreated water required to supplement the recycled water system; and 4) completed using MWD's adopted rates for untreated water for 2013. Using the above assumptions, the analysis indicates the payback for the project at approximately 3.5 years. Director Withers returned to the Board room.

Director Reinhart reported that this item was reviewed by the Engineering and Operations Committee on April 17, 2012. Following discussion, staff was asked to research the optimal size of the reservoir without anticipating any federal funding; determine when it would be best to upsize the facility; and provide additional confirmation that the slopes are stable if the reservoir is upsized. On MOTION by Reinhart, seconded and unanimously carried, **THE BOARD AUTHORIZED THE ADDITION OF PROJECT 30374 (3729) TO THE FY 2011-12 CAPITAL BUDGET IN THE AMOUNT OF \$1,399,800; APPROVED AN EXPENDITURE AUTHORIZATION IN THE AMOUNT OF \$239,500; AND AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$170,000 WITH URS CORPORATION FOR THE SYPHON RESERVOIR INTERIM IMPROVEMENTS, PROJECT 30374 (3729).**

ASSET OPTIMIZATION – LAKE FOREST PROPERTY SERRANO SUMMIT FINAL MAP CONSULTANT SELECTION

Assistant Director of Finance Jacobson reported that the City Council approved the Serrano Summit tentative tract map depicting the future planning areas and corresponding Area Plan for the property as well as certification of a project-specific Environmental Impact Report. On April 17, 2012, the City formally approved the formation of the related Community Facility District for the project.

Mr. Jacobson said that with the recent approval of the Serrano Summit tentative tract map (TTM) and area plan, the next phase of development entitlement includes obtaining a Final Map for the project which involves satisfying the conditions of approval as stipulated in the City's TTM approval process. He said that the process to obtain a recordable Final Map is considered to be more ministerial in nature than the tentative map process, and staff recommends retaining a consultant to manage a civil engineer, landscape architect and others to coordinate agency permitting requirements, to complete the necessary Department of Real Estate conditions, to work closely with City staff towards completion of the Final Map, and advise the District throughout the process.

Mr. Jacobson said that staff requested proposals from three firms to manage the Final Map process including Lewis Operating Group, Developers Edge, and Hogle-Ireland; all three firms submitted proposals. The proposals varied significantly in terms of expected hours required for project completion as well as hourly rates and additional fees proposed. Estimated consulting hours to complete the project ranged from 716 to 1,740 based on each consultant's estimate of the effort associated with the requested scope of work; average hourly rates ranged from \$130 to approximately \$450 per hour. To facilitate a comparison between the consultants' proposals, staff assumed an initial requirement of 1,000 consulting hours. All of the consultants estimated a schedule of completion of 14-18 months.

Mr. Jacobson said that at the March 22, 2012 Asset Management Committee meeting, it was determined that Lewis and Developers Edge provided the most comprehensive proposals. Based on discussions and feedback from the Committee meeting regarding project experience and qualifications, representatives from the two firms were invited to make presentations to the Committee on their proposals. The two firms presented their proposals to the Committee at a meeting on April 16, 2012. The presentations included a discussion of each firm's experience and qualifications, project-specific expectations for the Serrano Summit Final Map process and potential challenges that may arise with the project. Based on the presentations and discussion with the Committee, staff recommends that the Board approve the retention of Lewis Operating Group to manage the Final Map process. It is anticipated that Lewis's in-depth knowledge of the Serrano Summit project, familiarity with key City staff/consultants and extensive experience processing numerous residential tract maps will provide the management required to efficiently process the Final Map. Lewis' fee of \$257 per hour is the higher of the two firms; however, it is anticipated that the value provided by its unique in-house resources (marketing, engineering, design, etc.) will offset certain costs that would be incurred for similar outside consultants. Additionally, Lewis' negotiated pricing agreements with various industry consultants will be realized by the District providing additional value. Staff recommends approval of an initial contract for 1,000 hours. Because the proposal by Lewis initially estimated 1,740 hours, staff will return to the Board should additional funds be required.

Director Withers reported that this item was reviewed by the Asset Management Committee at a Special Meeting held on April 16, 2012. Following discussion relative to the value to hiring Lewis Operating Group versus Developers Edge, on MOTION by Withers, seconded and unanimously carried, **THE BOARD APPROVED THE RETENTION OF LEWIS OPERATING GROUP TO MANAGE THE FINAL MAP PROCESS FOR THE SERRANO SUMMIT PROJECT AND AUTHORIZED THE GENERAL MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT NOT TO EXCEED \$257,000.**

GENERAL MANAGER'S REPORT

General Manager Cook reported that he was contacted by the Los Angeles Division of the Army Corps of Engineers noting that its Pacific Division is very interested in meeting with staff during the ACWA conference in May.

Mr. Cook said that he and staff met with Ms. Lacy Kelly of the Association of California Cities-Orange County last week and gave her on a tour of the San Joaquin Marsh Campus.

Mr. Cook reminded the Board of tomorrow's Always Business Smart Program Networking lunch being held for staff to speak with potential and existing vendors.

DIRECTORS' COMMENTS

Director LaMar reported that he and President Matheis, General Manager Cook and staff had recently met with Congressman John Campbell and Senator Lou Correa. He said that he attended an Orange County Forum meeting, and that tomorrow he will be attending an ACWA meeting in Sacramento relative to the Endangered Species Act, and at the end of this week he will also be attending a Southern California Water Committee meeting.

Director Reinhart reported that he attended a MWDOC elected officials forum. He said last Friday he attended a resident tour and was disappointed with the attendance. He said he would like the Water Resources Policy and Communications Committee to review the format going forward, and encouraged staff to provide input on this program.

Director Swan reported on his and Director Matheis' attendance at a walk in the San Joaquin Wildlife Sanctuary with the City of Irvine's Mayor Kang. He suggested that staff look into producing a video of the marsh for the District's website. He also reported on his attendance at a WACO Planning meeting; and said he will be attending a CASA conference tomorrow in Napa. He will also be meeting with Director Ted Page of Kern County Water District on his return trip from the conference.

Director Matheis also reported she attended a meeting with Congressman John Campbell and Senator Lou Correa. She also said that she attended a resident tour last Saturday and noted that attendance was low.

ADJOURNMENT

There being no further business, President Matheis adjourned the meeting at 6:45 p.m.

APPROVED and SIGNED this 14th day of May, 2012.

President, IRVINE RANCH WATER DISTRICT

Secretary, IRVINE RANCH WATER DISTRICT

APPROVED AS TO FORM:

Legal Counsel - Bowie, Arneson, Wiles and Giannone

May 14, 2012

Prepared and

Submitted by: N. Savedra 

Approved by: P. Cook 

CONSENT CALENDAR

RATIFY/APPROVE BOARD OF DIRECTORS'
ATTENDANCE AT MEETINGS AND EVENTS

SUMMARY:

Pursuant to Resolution 2006-29 adopted on August 28, 2006, approval of attendance of the following events and meetings are required by the Board of Directors.

Events/Meetings

Steven LaMar

4/12/12	Orange County Forum
5/03/12	District tour with A.G. Kawamura
5/09/12	Meeting with US Corps of Engineers regarding Syphon Reservoir
5/18/12	Orange County Water Summit

Mary Aileen Matheis

5/03/12	South Orange County Watershed Mgmt. Exe. Committee Meeting
5/09/12	Meeting with US Corps of Engineers regarding Syphon Reservoir
5/22/12	Monthly meeting with Paul Cook regarding District activities

Douglas Reinhart

6/4-5/12	Annual WateReuse & Desalination Research Conference, San Diego, CA
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Peer Swan

5/8/12	OCBC Infrastructure Committee Meeting
5/16/12	OCWA May Meeting

John Withers

5/18/12	Orange County Water Summit
5/19/12	IRWD Resident Tour

RECOMMENDATION:

THAT THE BOARD RATIFY/APPROVE THE MEETINGS AND EVENTS FOR STEVEN LaMAR, MARY AILEEN MATHEIS, DOUGLAS REINHART, PEER SWAN AND JOHN WITHERS AS DESCRIBED.

LIST OF EXHIBITS:

None

May 14, 2012
Prepared and
Submitted by: Nancy Savedra
Approved by: Paul Cook 

CONSENT CALENDAR

CANDIDATE STATEMENTS FOR 2012 GENERAL ELECTION

SUMMARY:

The term of Directors Mary Aileen Matheis and John Withers will be up for election on November 6, 2012. Attached as Exhibit "A" is a letter from the Registrar of Voters requesting certain information by May 18, 2012. It is necessary for the District Secretary to advise the Registrar of Voters how many words the District authorizes on candidate statements, either 200 or 400 words, and if the District elects to pay for these statements. Historically, the District has authorized 200 words and has elected not to pay for candidate statements.

The candidate filing begins July 16 through August 10, 2012.

FISCAL IMPACT:

Not applicable.

ENVIRONMENTAL IMPACTS:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Finance and Personnel Committee on May 4, 2012.

RECOMMENDATION:

THAT THE BOARD DIRECT THE DISTRICT SECRETARY TO AUTHORIZE 200 WORDS ON THE CANDIDATE'S STATEMENT OF QUALIFICATIONS AND ELECT NOT TO PAY FOR THESE STATEMENTS.

LIST OF EXHIBITS:

Exhibit "A" – Letter dated April 20, 2012 from the Registrar of Voters



EXHIBIT "A"

NEAL KELLEY
Registrar of Voters

REGISTRAR OF VOTERS
1300 South Grand Avenue, Bldg. C
Santa Ana, California 92705
(714) 567-7600
TDD (714) 567-7608
FAX (714) 567-7627
www.ocvote.com

Mailing Address:
P.O. Box 11298
Santa Ana, California 92711

April 20, 2012

TO: Manager/Director

FM: Kay Cotton, Candidate & Voter Services Manager *KC*

RE: Election Information for the November 6, 2012 General Election

Enclosed is a Transmittal of Election Information form to be completed and returned to the Registrar of Voters' office by May 18, 2012.

On the Transmittal of Election Information form, please list the name(s) of Director(s) whose term(s) expire and whose seat(s) will be scheduled for election on November 6, 2012. This would include any Director(s) appointed since your last election. Appointed Directors must file for the two-year unexpired term if they were appointed to fill a vacancy which would not have been scheduled for election until 2014.

We also need to know if your District **will** or **will not** pay for a Candidate's Statement of Qualifications and if the District is authorizing 200 or 400 words to be used in that statement.

Please send the completed Transmittal of Election Information form to me at 1300 South Grand Avenue, Building C, Santa Ana, CA 92705 or email to kay.cotton@rov.ocgov.com.

Pursuant to Elections Code § 10522, the District is required to submit a map showing the current district boundary lines, with divisions (if any), regardless if changes have occurred. We would prefer to receive the map in shape file format by email to rebecca.getzen@rov.ocgov.com.

Candidate Filing for the November 6, 2012 General Election will be July 16, 2012 through August 10, 2012, 5:00 p.m. The Candidate's Handbook will be on our website at the end of May. We ask that you post these important dates.

If you have any questions, please contact me at kay.cotton@rov.ocgov.com or (714) 567-7606. Thanks for your assistance.

Enclosure

May 14, 2012

Prepared by: K. McLaughlin

Submitted by: G. Heiertz

Approved by: Paul Cook 

CONSENT CALENDAR

2012 STATE LEGISLATIVE UPDATE

SUMMARY:

This report provides an update on the 2012 legislative session and IRWD state legislative priorities. A copy of the 2012 State Legislative Matrix is attached as Exhibit "A".

Staff recommends that the Board consider the following positions:

- AB 1692 (Wieckowski): Bankruptcy – OPPOSE
- AB 2230 (Gatto): Recycled water and carwashes – SUPPORT
- AB 2443 (Williams): Aquatic invasive species; quaggas – SUPPORT
- AB 1813 (Buchanan): Delta reporting requirements – OPPOSE
- AB 1884 (Buchanan): Covered actions – OPPOSE
- AB 2422 (Berryhill): Western Delta Intakes Concept – OPPOSE
- AB 1508 (Carter): Metal theft – SUPPORT
- SB 1045 (Emmerson): Metal theft – SUPPORT
- SB 1387 (Emmerson): Metal theft – SUPPORT

BACKGROUND:

IRWD 2012 Legislative Priority Update:

AB 2398 (Hueso) – The Water Recycling Act of 2012:

AB 2398 passed in the Assembly Water, Parks and Wildlife Committee on April 10, 2012. The Author accepted several amendments at that hearing including clarification that the bill does not broaden CEQA exemptions; clarifying the definition of advanced treated purified water; clarifying language around storm induced overflow water that is not tertiary treated or above; expansion of the Regional Board's investigative authority; removal of the GAMA program language; and other technical and conforming changes. The WaterReuse Association continues to work with its membership and the State Agencies on the fee language. AB 2398 passed unanimously in the Assembly Environmental Safety and Toxic Materials Committee on April 24, 2012 and will now go to the Assembly Appropriations Committee.

SB 1090 – Senate Local Government Omnibus Bill and AB 2069 (Solorio):

The IRWD "Bona Fide Encumbrancer" clean-up language continues to move forward in the legislature in both SB 1090, the Senate Local Government Omnibus Bill, and in AB 2069 (Solorio). SB 1090 passed out of the Senate Governance and Finance Committee on the Consent Calendar on April 18, 2012 and was referred to the Senate Appropriations Committee. AB 2069 passed out of the Assembly Local Government Committee on the Consent Calendar on April 18,

2012 and passed on the full Assembly Consent Calendar on April 26, 2012. This bill has been sent to the Senate for assignment to Committee.

Other 2012 Legislation:

AB 1692 (Wieckowski) – Bankruptcy

AB 1692 (Wieckowski), as amended on April 16, 2012, would significantly amend the negotiated public bankruptcy neutral evaluation process that was enacted into law through AB 506 (Wieckowski) in 2011. As originally introduced in 2011, AB 506 would have required a mediation or neutral evaluation process prior to a public agency entering into Chapter 9 bankruptcy. The proposed mediation or neutral evaluation process would have added significant costs, delays, and uncertainties to the process jeopardizing the provision of public services. A significant coalition of local agencies and associations, including IRWD, opposed AB 506. In response, the Author worked with the opponents to craft compromise language that established a limited mediation process with an emergency opt-out provision. When AB 506, as amended, was signed into law, it was widely believed this issue had been resolved. AB 1692 would reopen that carefully crafted language, most notably giving the neutral evaluator the ability to extend the 60-day timeline by an additional 90 days and then indefinitely, and to engage in an independent investigation. These changes to the compromise enacted in 2011 are aimed at delaying or derailing Chapter 9 proceedings. AB 1692 would result in significant extra costs to the local government considering bankruptcy, their constituents, and the state.

Staff recommends that the Board consider an *oppose* position on AB 1692 (Wieckowski).

AB 2230 (Gatto): Recycled water and car washes

AB 2230 would require new car washes to reuse at least 60% of their on-site wash and rinse water or contract to use recycled water for washing and rinsing. Self-service car washes are exempted from the requirement. Reportedly this bill codifies the trends currently occurring in car washes and trends IRWD has seen in the District's service area. According to the author, the car wash industry associations are supportive.

Staff recommends that the Board consider a *support* position on AB 2230 (Gatto).

AB 2443 (Williams): Vessel: registration fee: mussels:

AB 2443 would authorize the Department of Boating and Waterways to impose an additional fee, capped at \$10, on vessels already required to pay regular boater registration fees. The funds collected from this fee would be used to implement and administer a dreissenid mussel monitoring, inspection and eradication program. In recent years there have been several bills introduced and enacted into law providing new authorities to state and local governments to prevent and eradicate infestations of mussels and other invasive aquatic species. IRWD and much of the water industry have been strong proponents of these recent bills. AB 2443 could provide new funding mechanisms to assist in Quagga mussel problems impacting Lake Mathews and Irvine Lake, among others.

Staff recommends that the Board consider a *support* position on AB 2443 (Williams).

Delta-related Legislation:

As reported at the April 4, 2012 Water Resources Policy and Communications meeting, there have been several bills introduced in 2012 aimed at adding requirements, time, and or barriers to the implementation of the 2009 Delta/water legislative package and the completion of the Bay Delta Conservation Plan (BDCP). IRWD is working with the Association of California Water Agencies, Metropolitan Water District of Southern California and others to respond to these bills.

- AB 1813 (Buchanan): Sacramento-San Joaquin Delta Reform Act of 2009 – AB 1813 would modify the data collection and public reporting requirements and associated laws regarding the development of flow criteria that were enacted as part of the Delta/water package in 2009. The bill would impose specific mandates on the State Board, including a water quality anti-degradation requirement for Delta channels and flow requirements to meet specific goals for fish populations. The bill would also prohibit the Delta Stewardship Council from considering the BDCP before it receives the flow determinations from the State Board, effectively stalling the BDCP process. AB 1813 was pulled from committee by the Author; however, the language in AB 1813 may emerge in another legislative vehicle later in the session.
- AB 1884 (Buchanan): Sacramento-San Joaquin Delta Reform Act of 2009 – AB 1884 would create a host of categories that would be excluded from the definition of “covered action” established in the 2009 legislation. The exemptions would include any anticipated upgrades to existing drinking water, stormwater, or wastewater treatment facilities to meet state water quality requirements; levee improvements and flood control projects in the secondary zone; and habitat conservation and agricultural mitigation plans; among others. This bill broadly expands the “covered actions” exemptions thus undermining the carefully crafted approach developed and enacted in 2009. AB 1884 was pulled from committee by the Author; however, the language in AB 1813 may emerge in another legislative vehicle later in the session.
- AB 2422 (Berryhill): Western Delta Intakes Concept: Feasibility Study – AB 2422 would require the Department of Water Resources (DWR) to undertake an expedited evaluation and feasibility study of the Western Delta Intakes concept in consultation with the Department of Fish and Game. The Western Delta Intakes Concept is often viewed as an alternative to the BDCP and this bill represents Assembly Member Berryhill’s third attempt to legislatively require the DWR to study an alternative. AB 1979 in 2010 and AB 627 in 2011 would have studied the Through-Delta Conveyance Plan. Neither bill advanced out of the Assembly. AB 2422 passed in the Assembly Water, Parks and Wildlife Committee and is in the Assembly Appropriations Committee.

Staff recommends that the Board consider taking an *oppose* position on AB 1813 (Buchanan), AB 1884 (Buchanan), and AB 2422 (Berryhill).

Metal Theft Legislation:

Metal theft continues to be a challenge to water, wastewater, and other utility agencies across the state. While IRWD has experienced relatively few problems compared to other agencies, a number of manhole covers, fire hydrants, meters, and other materials have been stolen within its service area. Costs associated with metal theft include not only cost of the item stolen and its replacement, but also the damage to the District and customer property in the process. Several bills aimed at curbing metal theft have been introduced this year. The Authors of three metal theft bills are working together to ensure the bills are compatible

- AB 1508 (Carter): Junk Dealers – AB 1508 would eliminate specified exemptions related to junk dealers and recyclers, and nonferrous materials. Under the provisions of AB 1508, payment of less than \$20 for nonferrous material such as copper, copper alloys, stainless steel and aluminum would be subject to the existing three-day waiting period and requirement that payment is made by cash or check. Additionally, AB 1508 removes the exemption for five transactions or less per month. The bill does not include transactions related to redeeming cans, bottles, and plastic.
- SB 1045 (Emmerson): Metal Theft: Damages – SB 1045, sponsored by Eastern Municipal Water District, would prohibit any junk dealer or recycler from possessing specified materials including: public fire hydrants and connections; public manhole covers, lids and parts; and public backflow devices and connections, without a written certification. The certification must be on the letterhead of the public agency that owns or previously owned the materials and declare that the entity has the right to the materials.
- SB 1387 (Emmerson) – SB 1387, also sponsored by Eastern Municipal Water District, would hold junk dealers and recyclers civilly liable for damages associated with metal theft including the value of the material, repair and replacement costs, and labor costs. Initially this language was included in SB 1045, but was moved to its own legislative vehicle to avoid being referred to three policy committees.

Staff recommends that the Board consider a *support* position on AB 1508 (Carter), SB 1045 (Emmerson), and SB 1387 (Emmerson) related to metal theft.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed at the Water Resources Policy and Communications Committee on May 3, 2012.

RECOMMENDATION:

THAT THE BOARD TAKE A SUPPORT POSITION ON AB 2230 (GATTO), AB 2443 (WILLIAMS), AB 1508 (CARTER), SB 1045 (EMMERSON), AND SB 1387 (EMMERSON) AND AN OPPOSE POSITION ON AB 1692 (WIECKOWSKI), AB 1813 (BUCHANAN), AB 1884 (BUCHANAN), AND AB 2422 (BERRYHILL).

LIST OF EXHIBITS:

Exhibit "A" – IRWD 2012 State Legislative Matrix

EXHIBIT "A"
IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
AB 403 Campos (D)	Public Drinking Water Standards: Hexavalent Chromium	Watch	Requires the Department of Public Health to post its progress on the establishment of primary drinking water standard hexavalent chromium on the department's Internet Web site. Includes the adoption of a primary drinking water standard for hexavalent chromium among the proposed regulations relating to maximum contaminant levels for primary or secondary water standards that are subject to a review by the Department of Finance of not more than 90 days.	03/01/2012 - In ASSEMBLY. Ordered returned to SENATE. *****To SENATE.	
AB 1508 Carter (D)	Junk Dealers and Recyclers: Nonferrous Materials		Amends existing law regulating junk dealers and recyclers recordkeeping of purchases and sales made and the payment for nonferrous materials, and exempts from the payment by cash or check requirement the redemption of nonferrous materials in connection with the redemption of beverage containers and those sellers of junk or recycling who conduct a specified number of transactions per month. Modifies that exemption to apply when the majority of the transaction is for the redemption of beverage containers.	04/30/2012 - In ASSEMBLY. Read second time. To third reading.	
AB 1514 Lowenthal B (D)	Excavations: Subsurface Installations: Violations		Amends existing law that generally requires any person planning to conduct an excavation to contact a regional notification center prior to excavation, and, if practical, to delineate the areas to be excavated. Increases the civil penalties for negligent or knowing and willful violations. Requires the Public Utilities Commission to adopt rules requiring public utilities to comply with specified requirements relative to excavation safety and to adopt rules to protect subsurface installations from damage.	05/01/2012 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	RE: Excavations. Could be detrimental to IRWD. Working with CMUA.
AB 1516 Alejo (D)	Vehicles: Drivers Licensing: Farming Exemption		Authorizes a class C license holder to operate a combination of vehicles with a specified gross combination weight rating and gross vehicle weight rating that meets specified operating conditions, including being operated by a farmer or an employee of a farmer and being operated within 150 miles of a farm. Excludes specified flatbed pickup trucks from the Motor Carriers of Property Permit Act.	04/25/2012 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	
AB 1669	Groundwater: Nitrate at Risk		Establishes the Nitrate at Risk Area Fund. Provides that, upon	05/01/2012 - In	Spot bill for

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
Perea (D)	Area Fund		appropriation by the Legislature, moneys in the fund would be available for the purposes of developing and implementing sustainable and affordable solutions for disadvantaged communities in areas reliant on nitrate-contaminated groundwater as their source of drinking water, as determined by the board and the department.	ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	water bond changes.
AB 1686 Jeffries (R)	Waterways: Lake Mathews		Requires the Department of Boating and Waterways to allow public access to Lake Mathews, in Riverside County, for the purposes of boating, fishing, and hiking, including access by nonmotorized bicycles. Prohibits body contact with the lake, and limits the type of boats and fuel permitted on the lake. Allows the Metropolitan Water District of Southern California to develop, fund, and operate any necessary infrastructure, place limits on the number of boats and persons accessing and establish a fee.	02/23/2012 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE and LOCAL GOVERNMENT.	
AB 1692 Wieckowski (D)	Bankruptcy: Redevelopment: Successor Agencies		Authorizes a successor redevelopment agency to file for bankruptcy under applicable federal bankruptcy law, subject to existing procedures. Revises and recasts the bankruptcy procedures that apply to the neutral evaluation process. Provides the duties for the neutral evaluation process and a neutral evaluator.	04/25/2012 - From ASM Committee on L GOV: Do pass to Com on APPROPRS.	
AB 1750 Solorio (D)	Rainwater Capture Act of 2012	Watch	Enacts the Rainwater Capture Act of 2012. Authorizes residential, commercial and governmental landowners to install, maintain, and operate rain barrel systems and rainwater capture systems for specified purposes, provided that the systems comply with specified requirements. Authorizes a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of a rainwater capture system if the system is used exclusively for landscape irrigation.	05/01/2012 - In ASSEMBLY. Read second time. To third reading.	3/12/12 Board - IRWD watch
AB 1813 Buchanan (D)	Sacramento-San Joaquin Delta Reform Act of 2009		Requires a specified system of Sacramento-San Joaquin Delta Delta watershed diversion data collection and public reporting to use data used by the Department of Water Resources to determine the Net Delta Outflow Index. Requires the system to use modeling or satellite imagery in lieu of public reporting to the maximum extend practicable. Requires the new flow criteria to ensure there is no degradation in water quality in Delta channels and to replicate certain conditions with regard to fish populations.	03/29/2012 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.	

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
<u>AB 1884</u> Buchanan (D)	Sacramento-San Joaquin Delta Reform Act: Covered Action		Excludes from the definition of covered action specified plans, programs, projects, or activities within the secondary zone that have received environmental certification under the California Environmental Quality Act or otherwise have invested rights as of the effective date of the Sacramento-San Joaquin Delta plan, or both. Excludes all of the categorical act exemptions. Excludes from the definition of employee housing, low-income housing, infill residential projects, or other infill development.	03/29/2012 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on WATER, PARKS AND WILDLIFE.	
<u>AB 1971</u> Buchanan (D)	Theft: Junk, Metals, and Secondhand Materials		Increases the maximum fine to a specified amount that a dealer in or collector of junk, metals, or secondhand materials for receiving stolen property. Enacts a clarifying statement relating to vandalism committed against public transit property and facilities, public parks property and facilities, and public utilities and water property and facilities.	04/30/2012 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.	
<u>AB 2000</u> Huber (D)	Sacramento-San Joaquin Delta	Oppose	Relates to the Sacramento-San Joaquin Delta. Relates to the Delta Stewardship Council and Delta Protection Commission membership. Relates to incorporating a Bay Delta Conservation Plan into the Sacramento-San Joaquin Delta conservation plan. Appropriates available funds from specified bond measures approved by the voters of the state to the Department of Water Resources for levee improvements.	04/24/2012 - In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE: Failed passage.	4/9/12 Board - IRWD oppose
<u>AB 2003</u> Torres (D)	Junk Dealers and Recyclers: Nonferrous Materials		Relates to existing law requiring junk dealers and recyclers to keep written records of all sales and purchases made in the course of their business. Allows payment for nonferrous materials by check only.	04/26/2012 - In ASSEMBLY. Read second time. To third reading.	
<u>AB 2011</u> Gatto (D)	CalConserve Water Conservation Retrofit Program		Requires a percentage of Safe, Clean, and Reliable Drinking Water Supply Act of 2012 bond funds to be allocated to establish a CalConserve Water Conservation Retrofit Program to provide grants to local water agencies for the implementation of local and regional water conservation revolving loan programs that assist customers within the service area of the water agency to carry out water use efficiency retrofit projects, consistent with the act.	04/24/2012 - From ASM Committee on WATER, PARKS AND WILDLIFE: Do pass to Committee on APPROPRS.	
<u>AB 2021</u> Wagner (R)	Works of Improvement: Disputed Amounts		Relates to existing law providing, with respect to contracts, an increase in the amount that may be withheld from progress payments	04/24/2012 - From ASSEMBLY Com on	Commitment from

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			or final payments for works of improvement. Increases the amount that may be withheld from progress payments, or final payments, depending on the circumstances, to a sum of various amounts and percentages, as specified.	BUS, PROF & CONS PROTECTION: Do pass to Committee on JUDICIARY.	sponsor/author to carve out public agencies.
<u>AB 2051</u> Campos (D)	Contempt of Court: Domestic Violence		Relates to contempt of court and terminating a criminal action is a bar to further prosecution in domestic violence cases. Authorizes the court to refer a domestic abuse victim who refuses to testify to a domestic violence counselor before finding the victim in contempt of court. Provides that any communication between the counselor and the victim remain confidential. Provides that an order to terminate does not bar further prosecution if the action was the result of the victim's refusal to testify.	03/29/2012 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY.	
<u>AB 2069</u> Solorio (D)	Sanitation, Sewerage, and Water Charges: Collection	Sponsor;Sup port	Relates to an existing law authorizing various local public entities to prescribe fees for services and facilities furnished in connection with their water, sanitation, storm drainage, or sewerage system and providing that such charges may be collected on the tax roll in the same manner as property taxes, the amount of the charges constituting a lien against the lot or parcel, unless the real property has been transferred or conveyed. Makes changes concerning a transfer, conveyance, or attachment.	04/26/2012 - In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.	4/9/12 Board - IRWD support.
<u>AB 2075</u> Fong (D)	Energy Powerplant Certification		Repeals the authorization of a person proposing to construct a facility excluded from the State Energy Resources Conservation and Development Commission's to waive the exclusion by submitting a notice to the commission of the intent to file an application for a certification of an electric generating facility.	03/29/2012 - In ASM. Read second time and amended. Re-referred to Com on NAT RESOURCES.	
<u>AB 2105</u> Grove (R)	Junk Dealers: Scrap Metal		Expresses the intent of the Legislature to enact legislation regarding scrap metals and recycling.	02/23/2012 - INTRODUCED.	
<u>AB 2230</u> Gatto (D)	Recycled Water: Car Washes		Requires an in-by car wash, or a conveyor car wash to either install, use, and maintain a water recycling system, or enter into a contract to use recycled water provided by a retail water supplier to wash and rinse vehicles.	04/19/2012 - To SEN Com on NAT RES AND WATER.	
<u>AB 2298</u> Ma (D)	Junk Dealers and Recyclers		Authorizes persons appointed by the head of a county agricultural commission to carry out the periodic inspection of the premises of	04/26/2012 - In ASSEMBLY. Read	

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			junk dealers and recyclers.	second time. To Consent Calendar.	
<u>AB 2398</u> Hueso (D)	Water Recycling	Sponsor;Support	Enacts the Water Recycling Act of 2012. Establishes a statewide goal to recycle a total of 1.5 million acre-feet of water per year by the year 2020 and 2.5 million acre-feet of water per year by the year 2030. Requires the State Water Resources Control Board and regional boards, the department, the PUC, the Department of Water Resources, and other state agencies to exercise the authority and discretion granted to them to encourage the use of recycled water and meet certain goals. Relates to groundwater.	04/24/2012 - From ASSEMBLY Committee on ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: Do pass to Committee on APPROPRIATIONS.	3/26/12 Board - IRWD support.
<u>AB 2421</u> Berryhill B (R)	Bay Delta Conservation Plan: Project: Costs and Benefit	Oppose	Requires an independent third party to conduct an analysis of the costs and benefits for any project being submitted by the Bay Delta Conservation Plan to the Delta Plan and to submit this to the Legislature. Prohibits funding for these provisions from exceeding a specified amount.	04/24/2012 - From ASSEMBLY Committee on WPW: Do pass to Committee on APPROPS.	4/9/12 Board - IRWD oppose
<u>AB 2422</u> Berryhill B (R)	Sacramento-San Joaquin Delta: Intake Concepts: Study		Requires the Department of Water Resources Development to undertake an expedited evaluation and feasibility study of the Western Delta Intakes Concept. Requires the department of prepare and submit a report. Appropriates funds from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 to pay for the study.	04/24/2012 - From ASSEMBLY Committee on WPW: Do pass to Committee on APPROPRIATIONS.	
<u>AB 2423</u> Berryhill B (R)	Comprehensive Sacramento-San Joaquin Delta Planning		Makes a technical, nonsubstantive change to the Sacramento-San Joaquin Delta Reform Act establishing the Delta Stewardship Council as an independent agency of the state.	02/24/2012 - INTRODUCED.	
<u>AB 2443</u> Williams (D)	Vessels: Registration Fee: Quagga and Zebra Mussels		Provides for a quagga and zebra mussel infestation prevention program. Imposes an additional fee on a vessel required to pay a registration fee. Requires funds from the fee to be used to implement and administer a dreissenid mussel monitoring, inspection, and eradication program. Requires the adoption of an emergency regulation to prescribe procedures for the collection and use of the fee.	04/24/2012 - From ASSEMBLY Committee on WPW: Do pass to Committee on APPROPRIATIONS.	
<u>AB 2595</u> Hall (D)	Desalination	Support	Requires the Ocean Protection Council to report to the Legislature on opportunities for streamlining the statewide permitting process	05/01/2012 - In ASSEMBLY. Read	sponsor: CalDesal

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			for seawater desalination facilities. Requires the council to convene the Seawater Desalination Permit Streamlining Task Force. Appropriates specified bond funds to pay the costs of convening the Task Force and preparation of the report.	second time and amended. Re-referred to Committee on APPROPRIATIONS.	4/9/12 Board - IRWD support
SB 27 Simitian (D)	Public Employees' Retirement		Amends the State Teachers' Retirement Law. Relates to the Defined Benefit Supplement Program and creditable compensation. Relates to the receipt of lump-sum payments. Relates to substitute employees' postretirement compensation. Authorizes penalties for late or improper adjustments to on Cash Balance Benefit Program contributions. Requires a Public Employees' Retirement System participating employer to notify the Board of Administration of payrate changes.	08/25/2011 - In ASSEMBLY Committee on APPROPRIATIONS: Not heard.	
SB 31 Correa (D)	Post Government Employment: Restrictions		Applies the post government employment restrictions of the Political Reform Act of 1974 to other public officials serving as members of local governing boards or commissions with decision making authority.	04/12/2012 - To ASM Committee on ELECTIONS AND REDISTRICTING.	2_Year_Bill
SB 46 Correa (D)	Public Officials: Compensation Disclosure	Oppose_Amend	Requires every designated employee and other person, except a candidate for public office, who is required to file a statement of economic interests to include a compensation disclosure form that provides compensation information for the preceding calendar year. Requires every agency to post of that agency's Internet Web site information contained on the compensation disclosure form filed by a person required to file a statement of economic interests. Requires the adoption of emergency regulations.	08/22/2011 - In SENATE. Read third time, urgency clause adopted. Passed SENATE. *****To ASSEMBLY.	Correa not expected to move forward this year.
SB 52 Steinberg (D)	Environmental Quality: Jobs and Economic Improvement		Amends the Environmental Quality Act. Requires that a project result in a specified minimum financial investment that is spent on planning, design, and construction of the project. Requires a lead agency to place the highest priority on feasible measure that will reduce greenhouse gas emissions on the site and in the neighboring communities of the project site. Relates to judicial review of an environmental impact report. Relates to the Judicial Council's reporting requirements.	01/31/2012 - In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.	2_Year_Bill
SB 186 Kehoe (D)	The Controller		Relates to the duties and responsibilities of the State Controller that include the reporting of financial records by local agencies, the	03/22/2012 - In ASSEMBLY. Read	

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			reports of financial transactions of joint powers agencies that issue conduit revenue bonds, the audit or investigation of suspected false or problem reporting by local agencies and the use of a financial review committee. Authorizes raising the forfeiture amount if a local official fails or refuses to file a financial report after receipt of a written notice.	second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.	
SB 200 Wolk (D)	Delta Levee Maintenance		Declares the legislative intent to reimburse eligible local agencies up to a specified percentage of maintenance or improvement or project or no project levees in the Sacramento-San Joaquin Delta until an specified date and to increase the reimbursement rate on and after that date. Extends the authorization of the Reclamation Board to provide funds to an eligible local agency in the form of an advance in an amount that does not exceed a specified percentage of the estimated state share.	04/12/2012 - To ASSEMBLY Committee on WATER, PARKS AND WILDLIFE.	3/26/12 Board meeting - remove IRWD oppose due to 1/12/12 amends. 2 Year Bill
SB 250 Rubio (D)	Sacramento-San Joaquin Delta: Delta Plan: Facility	Support	Amends the Sacramento-San Joaquin Delta Reform Act of 2009 which requires the incorporation of the Bay Delta Conservation Plan into the Delta Plan and requires the Bay Plan to include a review and analysis of Delta conveyance alternatives including specified canals and pipelines. Requires the Department of Water Resources development of certain Delta conveyance facilities to be completed on or before a specified date, and the construction of those facilities to be completed by a specified date.	08/29/2011 - In ASSEMBLY. Read second time and amended. Re-referred to Committee on RULES.	3/26/12 Board meeting - IRWD support 2_Year_Bill
SB 449 Pavley (D)	Controller: Local Agency Financial Review		Authorizes the Controller to conduct a preliminary review to determine the existence of a local agency financial problem, and perform an audit upon completion of that review and to convene a local agency financial review committee and to authorize the committee to recommend a financial recovery plan for a local agency requesting assistance. Requires the Controller to report to the Legislature on the actions of the committee and the status of all engagements with local agencies.	06/29/2011 - In ASSEMBLY Committee on LOCAL GOVERNMENT: Reconsideration granted.	
SB 911 De Leon (D)	Local Agency Bonds: Reports		Requires the Chief Fiscal Officer of a local agency issuing bonds to file a report on any project funded with its governing body within 60 days after the close of the agency's fiscal year. Provides that failure to do so on time shall result in a suspension of bond proceeds until	05/23/2011 - To ASSEMBLY Committee on LOCAL	

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
			the report is submitted. Requires a issuing local agency, upon a request about any expenditure of bond proceeds exceeding a specified amount, to make specified information available with respect to any expenditure or expenditures.	GOVERNMENT.	
<u>SB 964</u> Wright (D)	State Water Resources Control Board		Provides that the exemption for the adoption of regulations for the issuance, denial or revocation of specified waste discharge requirements and permits shall not apply to any general permits or waivers issued under state law or the federal National Pollutant Discharge Elimination System, thereby requiring the State Water Resources Control Board and the regional water quality control boards to comply with provisions that require the adoption of regulations under those circumstances.	04/23/2012 - In SENATE Committee on ENVIRONMENTAL QUALITY: Reconsideration granted.	
<u>SB 965</u> Wright (D)	Water Resources Control Boards: Ex Parte Communications		Provides that ex parte communications provisions of the Administrative Procedure Act do not apply to specified proceedings of the State Water Resources Control Board or a regional board. Prohibits a state or regional board member, or a person, other than a board staff member, who intends to influence the decision of a board member, from conducting such communication. Provides if such a communication occurs, the member notify the interested party that a full disclosure will be entered in the board's record.	04/23/2012 - From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS.	
<u>SB 1002</u> Yee (D)	Public Records: Electronic Format		Amends the Public Records Act. Authorizes an agency, when requested by a person, to provide an electronic record in a format in which the text in the electronic record is searchable by commonly used software. Requires the requestor to bear the cost of converting the electronic record into a searchable format. Prohibits an agency from charging a requester for the cost of specified services.	04/17/2012 - From SENATE Committee on JUDICIARY: Do pass to Committee on APPROPRIATIONS.	
<u>SB 1090</u> Governance and Finance Cmt	Local Government: Omnibus Bill	Support	Relates to county boundary descriptions, city sidewalk installation charges, a solar-use easement under a Williamson Act contract, bribery and corruption as abuse of public office, the validity of a local benefit assessment, showing a professional registration of license number under the Subdivision Map Act, charges for water, sanitation and sewer services, and the establishment, operation and dissolution of districts under the property and business district law.	05/01/2012 - In SENATE. Read second time. To Consent Calendar.	4/9/12 Board - IRWD support
<u>SB 1146</u>	Wells: Reports: Public		Relates to well reports. Requires the Department of Water Resources	04/23/2012 - From	

IRWD 2012 LEGISLATIVE MATRIX
Updated May 2, 2012

Bill No. Author	Title	IRWD Position	Summary/Effects	Status	Notes
Pavley (D)	Availability		to make the well reports available to the public. Requires the department to provide specified disclaimers. Allows the department to charge a fee, for the provision of the report, for each release of the report to recover department's costs. Requires the release to comply with the Information Practices Act of 1977. Requires a person who request a report to provide his or her name, address, and reason for making the request.	SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on APPROPRIATIONS.	
SB 1251 Evans (D)	Ocean Protection Council: Aquatic Invasive Species		Requires the establishment of an Aquatic Invasive Species Working Group for the development and implementation of an aquatic invasive species control program with regard to the management of such species within different regions of the state.	05/01/2012 - In SEN. Read second time and amended. Re-referred to Com on APPRS.	
SB 1276 Wyland (R)	Indemnity: Design Professionals		Amends existing law that requires, in all contracts, amendments to contracts, provisions, clauses, covenants, and agreements contained in, collateral to, or affecting public contracts for design professional services, the design professional to defend the public agency under an indemnity agreement. Limits the design professional's duty to defend a public against a negligence claim to reimbursement of defense costs incurred by the agency that were caused by the professional's actual negligence.	03/29/2012 - Withdrawn from SENATE Committee on RULES.;03/29/2012 - Re-referred to SENATE Committee on JUDICIARY.	
SB 1340 LaMalfa (R)	Appropriation of Water: Sewerage Commission Oroville	Oppose	Authorizes the Sewerage Commission Oroville to file an application for a permit to appropriate a specified amount of water that is based on the volume of treated wastewater that it discharges into the Feather River. Authorizes the State Water Resources Control Board to grant a permit to appropriate that treated wastewater upon terms and conditions determined by the board. Relates to permit approvals by the commission. Relates to reports regarding Sacramento-San Joaquin Delta water quality standards.	04/30/2012 - From SENATE Committee on APPROPRIATIONS: Do pass.	Expansion of AB 134 (Dickenson), sponsored by Sac Regional in 2011. 4/9/12 Board - IRWD oppose
SB 1387 Emmerson (R)	Metal Theft		Prohibits any junk dealer or recycler from possessing a fire hydrant, fire department connection, including, but not limited to, bronze or brass fittings or parts, a manhole cover or lid, or any part of that cover or lid, or a backflow device and connections to that device without a written certification on the letterhead of the agency or utility that owns or previously owned the material and that the entity has sold. Provides the application of an existing criminal fine to a	04/24/2012 - From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS.	

May 14, 2012

Prepared by: Kirsten McLaughlin

Submitted by: Greg Heiertz

Approved by: Paul Cook 

CONSENT CALENDAR

NOMINATION OF JO MACKENZIE FOR CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BOARD – REGION 6, SEAT A

SUMMARY:

California Special Districts Association (CSDA) Director Jo MacKenzie is up for re-election to the CSDA Board for Region 6, Seat A, for the 2013-15 term. Vista Irrigation District has requested that IRWD support the re-election of Ms. MacKenzie to the CSDA Board.

Staff recommends that the Board adopt a resolution to nominate incumbent Jo MacKenzie from the Vista Irrigation District for the CSDA Board of Directors, Region 6, Seat A, for the 2013-15 term.

Background:

The CSDA Board is elected from its six geographical regions. Each of the six regions has three seats on the Board with staggered three-year terms. Candidates must be affiliated with an independent special district that is a CSDA regulator member located within the geographic region they seek to represent. Region 6 includes Orange, Riverside, San Diego and Imperial Counties.

Ms. MacKenzie has served on the CSDA Board since 2003 and has served in a wide variety of roles including: as the Association's President in 2011, Vice President in 2010, and Treasurer in 2008 and 2009. Ms. MacKenzie has also served on the Vista Irrigation District Board since 1992, serving as its President six times. Staff recommends that the Board adopt a resolution nominating Ms. Jo MacKenzie for the CSDA Board of Directors, Region 6, Seat A (as provided in Exhibit "A").

Nominations to the CSDA Board are due May 25, 2012. CSDA will mail ballots to its members on June 8, 2012; ballots must be submitted by August 3, 2012 (as provided in Exhibit "B"). Also provided as Exhibit "C" is the request for nomination letter from Vista Irrigation District.

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

Consent Calendar: Nomination for California Special District Association (CSDA) Board of Directors – Region 6
May 14, 2012
Page 2

RECOMMENDATION:

THAT THE BOARD ADOPT THE FOLLOWING RESOLUTION BY TITLE:

RESOLUTION NO. 2012 -

RESOLUTION OF THE BOARD OF DIRECTORS
OF IRVINE RANCH WATER DISTRICT NOMINATING
JO MACKENZIE TO THE CALIFORNIA SPECIAL
DISTRICTS ASSOCIATION BOARD FOR REGION 6,
SEAT A, FOR THE 2013-15 TERM

LIST OF EXHIBITS:

Exhibit “A” – Resolution
Exhibit “B” – CSDA Call for Nominations and Nomination Form
Exhibit “C” – Letter from Vista Irrigation District

EXHIBIT "A"

RESOLUTION NO. 2012 -

RESOLUTION OF THE BOARD OF DIRECTORS
OF IRVINE RANCH WATER DISTRICT NOMINATING
JO MACKENZIE TO THE CALIFORNIA SPECIAL
DISTRICTS ASSOCIATION BOARD FOR REGION 6,
SEAT A FOR THE 2013-2015 TERM

WHEREAS, the California Special Districts Association (CSDA) is holding an election for its Board of Directors for Regions 1 through 6, Seat A for the 2013-2015 term; and

WHEREAS, the Irvine Ranch Water District (IRWD) is a voting member for Seat A in Region 6 of CSDA; and

WHEREAS, the incumbent, Jo MacKenzie, from the Vista Irrigation District is seeking re-election for this position; and

WHEREAS, Ms. Mackenzie has been involved with the CSDA Board since 2003 and has served in a wide variety of roles including Association President in 2011, Vice President in 2010, and Treasurer in 2008 and 2009; and

WHEREAS, during Ms. MacKenzie's tenure on the CSDA Board, Special Districts have gained recognition as the third leg of local government due to the efforts of CSDA; and

WHEREAS, the Board of Directors of the Irvine Ranch Water District believes that Jo MacKenzie is an effective Board member and recommends her nomination for the 2013-2015 term for Seat A in Region 6.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of IRWD DOES HEREBY RESOLVE, DETERMINE and ORDER as follows:

Section 1. That the Irvine Ranch Water District nominate Jo Mackenzie for the CSDA Board of Directors open seat for Seat A in Region 6 for the 2013-2015 term.

Section 2. That the Secretary provide CSDA with a certified copy of said resolution and accompanying nomination form.

SIGNED and APPROVED this 14th day of May 2012.

President, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

Secretary, IRVINE RANCH WATER DISTRICT
and of the Board of Directors thereof

APPROVED AS TO FORM:
BOWIE, ARNESON, WILES & GIANNONE
Legal Counsel – IRWD

By _____

EXHIBIT "B"



1391 Engineer Street • Vista, California 92081-8836
Phone (760) 597-3100 • Fax: (760) 598-8757
www.vid-h2o.org

March 21, 2012

RE: CSDA Board of Directors Election

Dear Board President:

On March 7, 2012, the Vista Irrigation District (VID) Board of Directors adopted a resolution nominating Jo MacKenzie to the CSDA Board of Directors for Region 6, Seat A. As VID Board President, I am writing to request that your Board of Directors make a strong statement of support for Ms. MacKenzie to continue on the CSDA Board by also nominating her for this position.

During Ms. MacKenzie's time on the CSDA Board of Directors, special districts gained recognition as the third leg of local government due to the efforts of CSDA. In 2011, Ms. MacKenzie spearheaded a group of special district general managers and board members to meet with the Legislative Analyst's Office staff to discuss the efficiency and accountability of special districts, and the effectiveness of Local Agency Formation Commissions. The report prepared at the request of Assemblymember Roger Dickinson, Chair of the Assembly Committee on Accountability & Administrative Review, was released to the public in January 2012 and presented a favorable representation of the value of special districts.

Jo believes it is important that CSDA continue to be the voice of all special districts, and that board members be committed to building on the present foundation of legislative advocacy, educational programs for board members and staff, and public outreach. Jo's enthusiasm, commitment, and comprehensive knowledge of special districts have brought a high level of experience and understanding to the CSDA's Board of Directors. Jo currently serves as the Immediate Past President. As last year's President of CSDA and the Vista Irrigation District, she was awarded the 2011 Special District Official of the Year by Public CEO.

Ms. MacKenzie was elected to the CSDA Board of Directors in 2003, serving as President in 2011, Vice President in 2010, and Treasurer, 2008 and 2009. She served as Chair of the Legislative Committee from 2006-2010, and 2012. In 2010, CSDA awarded Jo the Legislative Advocate of the Year. Presently, Ms. MacKenzie serves as President of the CSDA Finance Corporation, which provides financial assistance to special districts. During her tenure on the CSDA Board of Directors, educational programs for board members and staff have increased with more than 2,000 attendees in 2011. CSDA has emerged as a major player in discussions with State legislative leaders, and has worked to improve statewide governmental transparency, accountability, and efficiency. Jo facilitated a line of communication between the staff of California Forward and CSDA staff so that special districts were equally considered in California Forward's 'Smart Government: Making California Work Again' report.

Ms. MacKenzie was elected to the Board of Directors of the Vista Irrigation District in 1992 and has served as its president six times. Presently, Ms. MacKenzie is Chair of the Indian Water Rights Settlement Ad Hoc Committee. Ms. MacKenzie was a member of the San Diego LAFCO Special Districts Advisory Committee from 1994 to 2009, serving as Vice Chair in 2000 to 2004 and Chair from 2005 to 2009. In 2009, Jo was elected as a LAFCO Special District Alternate Commissioner. Jo was an ACWA Region 10 director from 1996 to 2010. She is Vice Chair of ACWA's Membership Committee and member of the ACWA Local Government Committee.

Board of Directors

Paul E. Dorey, *President*
Jo MacKenzie
Marty Miller
Richard L. Vásquez
Howard S. Williams

Administrative Staff

Roy A. Coox
General Manager
Eldon L. Boone
Assistant General Manager / Treasurer
Lisa R. Soto
Board Secretary
Joel D. Kuperberg
General Counsel

Besides being involved in special districts, Jo is active in the community having served on the City of San Marcos Planning Commission, Traffic/Safety Commission, Budget Review Committee and Affordable Housing Task Force. Jo has also been active in the San Marcos Chamber of Commerce for 25 years serving as a Board Member and a Life Member Ambassador.

As our Region 6 Director, Ms. MacKenzie will bring to the CSDA Board years of experience in local government and a strong understanding of special districts and LAFCO. I know Jo will continue to promote, advocate, and support special districts and the California Special Districts Association at every opportunity.

I urge your Board to also nominate Jo MacKenzie for Region 6 Director.

Thank you for your support.

Very truly yours,



Richard L. Vasquez, President

Attachments:

- Draft Resolution
- CSDA Board of Directors call for nominations mailing



**California Special
Districts Association**
Districts Stronger Together

RECEIVED

FEB 29 2012

VISTA IRRIG. DIST.

DATE: February 24, 2012

TO: CSDA Voting Member Presidents and General Managers

FROM: CSDA Elections and Bylaws Committee

SUBJECT: **CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS
SEAT A**

The Elections and Bylaws Committee is looking for Independent Special District Board Members or their General Managers who are interested in leading the direction of the California Special Districts Association for the 2013 - 2015 term.

The leadership of CSDA is elected from its six geographical regions. Each of the six regions has three seats on the Board with staggered 3-year terms. Candidates must be affiliated with an independent special district that is a CSDA regular member located within the geographic region that they seek to represent. (See attached Region Map)

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, education and resources. The Board of Directors is crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration.

Commitment: Serving on the Board requires one's interest in the issues confronting special districts statewide. A board member is expected to attend all board meetings held every other month, usually on the second Friday of the month, at CSDA's office in Sacramento. Besides serving on the Board, each Board Member is expected to participate on at least one committee, which usually meets 3-4 times a year in Sacramento. CSDA reimburses directors for their related expenses for Board and Committee meetings as outlined in Board Policy. In addition, all Board Members are expected to attend CSDA's two annual events: Special Districts Legislative Days (held in the spring) and the Annual Conference (held in the fall) as part of their obligation to the CSDA membership; expenses for these two events are not reimbursed by CSDA, even if a board meeting or committee meeting is held in conjunction with the event.

Nomination Procedures: Any regular member Independent Special District is eligible to nominate one person, a board member or managerial employee (as defined by that district's Board of Directors), for election to the CSDA Board of

Directors. A copy of the member district's resolution or minute action must accompany the nomination. The deadline for receiving nominations is May 25, 2012. Nominations and supporting documentation may be mailed or faxed.

Nominees will receive a Candidate's Packet in the mail. The packet will include campaign guidelines.

CSDA will mail ballots on June 8th. The ballots must be received by CSDA no later than 5:00 p.m. August 3, 2012 and must be the original ballot (no faxes or e-mails). The successful candidates will be notified no later than August 7th. All selected Board Members will be introduced at the Annual Conference in San Diego, CA in September.

Expiring Terms

(See enclosed map for regional breakdown)

Region 1	Seat A	Mark Bryant, Garberville Sanitary District*
Region 2	Seat A	Noelle Mattock, El Dorado Hills Community Services District*
Region 3	Seat A	James Kohlen, Alameda County Mosquito Abatement District*
Region 4	Seat A	Ann Mathews, Kern County Water Agency*
Region 5	Seat A	Jack Curtis, Ventura River County Water District
Region 6	Seat A	Jo MacKenzie, Vista Irrigation District*
	Seat C	Dewey Ausmus, North County Cemetery District

(* = Incumbent is running for re-election)

If you have any questions, please contact Charlotte Lowe at 877-924-CSDA or charlottel@csgda.net.



**California Special
Districts Association**
Districts Stronger Together

BOARD OF DIRECTORS NOMINATION FORM

PLEASE BE SURE THE CANDIDATE'S PHONE NUMBER IS ONE WHERE WE CAN REACH THE CANDIDATE

Name of Candidate: _____

District: _____

**Mailing
Address:** _____

Region: _____ (see attached map)

Telephone: _____

Fax: _____

E-mail: _____

Nominated by (optional): _____

Return this form and a Board resolution/minute action supporting
the candidate by fax or mail to:

CSDA
Attn: Charlotte Lowe
1112 I Street, Suite 200
Sacramento, CA 95814
(877) 924-2732 (916) 442-7889 fax

DEADLINE FOR RECEIVING NOMINATIONS – May 25, 2012



CSDA Regions



2012 Board of Directors by Region

Region 1

Mark Bryant, *Garberville Sanitary District*
 Phil Schoefer, *Western Shasta RCD*
 Norman Shopay, *McKinleyville CSD*

Region 3

Stanley Caldwell, *Mt. View Sanitary District*
 James Kohnen, *Alameda County Mosquito AD*
 Sherry Sterrett, *Pleasant Hill RPD*

Region 5

Jim Acosta, *Saticoy Sanitary District*
 Jack Curtis, *Ventura River County Water District*
 Kathy Tieg, *Cucamonga Valley Water District*

Region 2

Pete Kampa, *Tuolumne Utilities District*
 Noelle Mattock, *El Dorado Hills CSD*
 Ginger Root, *Tuxedo Country Club FPD*

Region 4

Adrienne (Ann) Mathews, *Kern County Water Agency*
 Steve Perez, *Rosamond CSD*
 Tim Ruiz, *East Niles CSD*

Region 6

Dewey Ausmus, *North County Cemetery District*
 William Nelson, *Orange County Cemetery District*
 Jo MacKenzie, *Vista Irrigation District*

May 14, 2012
Prepared By: Mike Bray/Rob Jacobson
Submitted by: Debby Cherney
Approved by: Paul Cook 

CONSENT CALENDAR

ADMINISTRATIVE CLAIM FOR DAMAGES - CHEN

SUMMARY:

Attached is a Claim for Damages filed with the District on April 25, 2012 on behalf of Mr. Charles Wei Chen (Claimant).

FISCAL IMPACTS:

Not applicable.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Finance and Personnel Committee on May 4, 2012 in Closed Session.

RECOMMENDATION:

THAT THE BOARD RECEIVE THE CLAIM FOR DAMAGES FROM CHARLES WEI CHEN WITHOUT ACTION.

LIST OF EXHIBITS:

Exhibit "A" – Chen Claim for Damages

EXHIBIT "A"



Irvine Ranch Water District Claim Form

INSTRUCTIONS: Please complete this form and submit with attachments to Risk Manager, Irvine Ranch Water District, 15600 Sand Canyon Avenue, Irvine, CA 92618.

Name of Claimant: Charles Wei Chen Home Phone: 949-218-8183 Work:

Home Address of Claimant: 8 Patina Lane, Ladera Ranch, CA 92694

*Date of Birth: 2-28-75 *Social Security #: *CA Driver's License #:

*Required for bodily injury claims only.

1. Date and time of incident: November 8, 2011, at approximately 9:45 a.m.

2. Location of incident: Irvine Park Rd., and Jamboree Rd. (See Police Report)

3. How did this incident occur? Claimant hit a gate with his car and impaled his left chest and flank region. The gate was situated in an unsafe and hazardous condition which constituted a dangerous condition of public property.

4. Describe the damage that resulted from the incident: Claimant sustained injuries but not limited to blunt trauma; multiple left rib fractures; left pneumothorax; left flank contusion; and left chest wall contusion.

5. What is the approximate amount of damage sustained? \$40,000,000.00 (Please give the amount claimed as of the date of presentation of the claim, including the estimated amount of any injury, damage or loss, insofar as it may be known at the time of presentation of this claim, together with the basis of computation of the amount claimed, with invoices or estimates, if appropriate.)

6. Were the police at the scene? [X] Yes [] No

7. Was a report filed? [X] Yes [] No (If yes, please attach a copy of the police report if available.)

8. Please attach all invoices or estimates related to this incident.

I hereby certify under penalty of perjury that the facts hereinabove set forth are true and correct to the best of my knowledge.

Signature of Claimant or Representative of Claimant: Paul S. Zuckerman, Attorney for Claimant Date: 4/25/12

"ORIGINAL REPORT"

SINCE TP

SPECIAL CONDITIONS Private Property		NUMBER INJURED 1	HIT & RUN FELONY <input type="checkbox"/>	CITY UNINC. ORA CO	JUDICIAL DISTRICT CENTRAL	LOCAL REPORT NUMBER 1111-295			
NUMBER KILLED 0		HIT & RUN MISDEMEANOR <input type="checkbox"/>	COUNTY ORANGE	REPORTING DISTRICT 902	BEAT 902	DAY OF WEEK S-M-D-W-T-F-S	TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
LOCATION	COLLISION OCCURRED ON 1 IRVINE PARK ROAD			MO. DAY YEAR 11-08-11	TIME (2400) 0945	NCIG # 9675	OFFICER I.D. 14895		
	MILEPOST INFORMATION			GPS COORDINATES LATITUDE 33.79619 LONGITUDE -117.75199		PHOTOGRAPHS BY: <input checked="" type="checkbox"/> NONE			
	FEET/MILES OF			AT INTERSECTION WITH FOR: E OF JAMBOREE RD.		STATE HWY REL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
	FEET/MILES			STATE HWY REL		P. PINES #12755 (13)			
PARTY 1	DRIVER'S LICENSE NUMBER B 9401646	STATE CA	CLASS C	AIR BAG M	SAFETY EQUIP. G	VEH. YEAR 06	MAKE/MODEL/COLOR Ford/UTILITY/WHY	LICENSE NUMBER 8C53646	STATE CA
DRIVER	NAME (FIRST, MIDDLE, LAST) CHARLES WEI CHEN					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER BIO MAGIC			
PEDESTRIAN	STREET ADDRESS B PATINA LN.					OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER 1030 W. 177 ST. COSTA MESA, CA 92627			
PARKED VEHICLE	CITY/STATE/ZIP LADERA RANCH, CA 92694					DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
BICYCLIST	SEX M	HAIR BLK	EYES BRN	HEIGHT 5-8	WEIGHT 130	BIRTHDATE Mo. Day Year 02-29-75	RACE A	PRIOR MECHANICAL DEFECTS: <input checked="" type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE	
OTHER	HOME PHONE (949) 584-6074		BUSINESS PHONE (949) 584-6074			VEHICLE IDENTIFICATION NUMBER: 22			
INSURANCE CARRIER NATIONWIDE MUTUAL		POLICY NUMBER ACPR 18-2-102457			VEHICLE TYPE 22		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK. <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MOD. <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER		SHADE IN DAMAGED AREA 
DIR OF TRAVEL ON STREET OR HIGHWAY N		SPEED LIMIT			CA _____ DOT _____		CAL-T _____ TOP/PSC _____ MCMX _____		
PARTY 2	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
DRIVER	NAME (FIRST, MIDDLE, LAST)					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER			
PEDESTRIAN	STREET ADDRESS					OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE	CITY/STATE/ZIP					DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	PRIOR MECHANICAL DEFECTS: <input type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE	
OTHER	HOME PHONE		BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:			
INSURANCE CARRIER		POLICY NUMBER			VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA
DIR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT			CA _____ DOT _____		CAL-T _____ TOP/PSC _____ MCMX _____		
PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
DRIVER	NAME (FIRST, MIDDLE, LAST)					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER			
PEDESTRIAN	STREET ADDRESS					OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE	CITY/STATE/ZIP					DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	PRIOR MECHANICAL DEFECTS: <input type="checkbox"/> NONE APPARENT <input type="checkbox"/> REFER TO NARRATIVE	
OTHER	HOME PHONE		BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:			
INSURANCE CARRIER		POLICY NUMBER			VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA
DIR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT			CA _____ DOT _____		CAL-T _____ TOP/PSC _____ MCMX _____		
REPAIRER'S NAME A. DURANTE 14895		DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		REVIEWER'S NAME MARK		DATE REVIEWED 11/21/11			

STATE OF CALIFORNIA
TRAFFIC COLLISION CODING
 CHP 555 Page 2 (Rev. 11-06) OPI 065

DATE OF COLLISION (MO DAY YEAR) **11-05-11** TIME (2400) **0945** MILE: **9675** COUNTY: **14895**

OWNER'S NAME: **IRVINE PARK** OWNER'S ADDRESS: **1 IRVINE PARK RD, ORANGE, CA 92667** NOTIFIED: YES NO

PROPERTY DAMAGE: **5 FT. OF SCRAPED GATE**

SEATING POSITION

1 DRIVER
 2 TO 6 - PASSENGERS
 7 - STATION WAGON REAR
 8 REAR OCC. TRK. OR VAN
 9 - POSITION UNKNOWN
 0 - OTHER

OCCUPANTS
 A - NONE IN VEHICLE
 B - UNKNOWN
 C - LAP BELT USED
 D - LAP BELT NOT USED
 E - SHOULDER HARNESS USED
 F - SHOULDER HARNESS NOT USED
 G - LAP/SHOULDER HARNESS USED
 H - LAP/SHOULDER HARNESS NOT USED
 J - PASSIVE RESTRAINT USED
 K - PASSIVE RESTRAINT NOT USED

SAFETY EQUIPMENT
 L - AIR BAG DEPLOYED
 M - AIR BAG NOT DEPLOYED
 N - OTHER
 P - NOT REQUIRED

M/C BICYCLE - HELMET
 DRIVER: NO YES
 PASSENGER: NO YES

CHILD RESTRAINT
 Q - IN VEHICLE USED
 R - IN VEHICLE NOT USED
 S - IN VEHICLE USE UNKNOWN
 T - IN VEHICLE IMPROPER USE

EJECTED FROM VEHICLE
 0 - NOT EJECTED
 1 - FULLY EJECTED
 2 - PARTIALLY EJECTED
 3 - UNKNOWN

INATTENTION CODES
 A - CELLPHONE HANDHELD
 B - CELLPHONE HANDSFREE
 C - ELECTRONIC EQUIPMENT
 D - RADIO / CD
 E - SMOKING
 F - EATING
 G - CHILDREN
 H - ANIMALS
 I - PERSONAL HYGIENE
 J - READING
 K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (N) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	SPECIAL INFORMATION			MOVEMENT PRECEDING COLLISION			
		1	2	3	1	2	3	
A WEATHER (MARK 1 TO 2 ITEMS) <input checked="" type="checkbox"/> A CLEAR <input type="checkbox"/> B CLOUDY <input type="checkbox"/> C RAINING <input type="checkbox"/> D SNOWING <input type="checkbox"/> E FOG / VISIBILITY FT <input type="checkbox"/> F OTHER* <input type="checkbox"/> G WIND	A CONTROLS FUNCTIONING B CONTROLS NOT FUNCTIONING* C CONTROLS OBSCURED D NO CONTROLS PRESENT / FACTOR*							A STOPPED B PROCEEDING STRAIGHT C RAN OFF ROAD D MAKING RIGHT TURN E MAKING LEFT TURN F MAKING U TURN G BACKING H SLOWING / STOPPING* I PASSING OTHER VEHICLE J CHANGING LANES K PARKING MANEUVER L ENTERING TRAFFIC M OTHER UNSAFE TURNING N XING INTO OPPOSING LANE O PARKED P MERGING Q TRAVELING WRONG WAY R OTHER*:
C OTHER THAN DRIVER* D UNKNOWN*	A HEAD - ON B SIDE SWIPE C REAR END D BROADSIDE E HIT OBJECT F OVERTURNED G VEHICLE / PEDESTRIAN H OTHER*:							
A DAYLIGHT B DUSK - DAWN C DARK - STREET LIGHTS D DARK - NO STREET LIGHTS E DARK - STREET LIGHTS NOT FUNCTIONING*	A NON - COLLISION B PEDESTRIAN C OTHER MOTOR VEHICLE D MOTOR VEHICLE ON OTHER ROADWAY E PARKED MOTOR VEHICLE F TRAIN G BICYCLE H ANIMAL: I FIXED OBJECT: J OTHER OBJECT: METAL GATE.							
A DRY B WET C SNOWY - ICY D SLIPPERY (MUDDY, OILY, ETC.)	A NO PEDESTRIANS INVOLVED B CROSSING IN CROSSWALK - AT INTERSECTION C CROSSING IN CROSSWALK - NOT AT INTERSECTION D CROSSING - NOT IN CROSSWALK E IN ROAD - INCLUDES SHOULDER F NOT IN ROAD G APPROACHING / LEAVING SCHOOL BUS							S SOBRIETY - DRUG - PHYSICAL (MARK 1 TO 2 ITEMS) A HAD NOT BEEN DRINKING B HBD - UNDER INFLUENCE C HBD - NOT UNDER INFLUENCE* D HBD - IMPAIRMENT UNKNOWN* E UNDER DRUG INFLUENCE* F IMPAIRMENT - PHYSICAL* G IMPAIRMENT NOT KNOWN H NOT APPLICABLE I SLEEPY / FATIGUED*
A HOLES, DEEP RUT* B LOOSE MATERIAL ON ROADWAY* C OBSTRUCTION ON ROADWAY* D CONSTRUCTION - REPAIR ZONE E REDUCED ROADWAY WIDTH F FLOODED* G OTHER* <input checked="" type="checkbox"/> H NO UNUSUAL CONDITIONS	A HAZARDOUS MATERIAL B CELL PHONE HANDHELD IN USE C CELL PHONE HANDSFREE IN USE D CELL PHONE NOT IN USE E SCHOOL BUS RELATED F 75 FT MOTORTRUCK COMBO G 32 FT TRAILER COMBO H ... I ... J ... K ... L ... M ... N ... O ...							
A NONE IN VEHICLE B UNKNOWN C LAP BELT USED D LAP BELT NOT USED E SHOULDER HARNESS USED F SHOULDER HARNESS NOT USED G LAP/SHOULDER HARNESS USED H LAP/SHOULDER HARNESS NOT USED J PASSIVE RESTRAINT USED K PASSIVE RESTRAINT NOT USED	A NON - COLLISION B PEDESTRIAN C OTHER MOTOR VEHICLE D MOTOR VEHICLE ON OTHER ROADWAY E PARKED MOTOR VEHICLE F TRAIN G BICYCLE H ANIMAL: I FIXED OBJECT: J OTHER OBJECT: METAL GATE.							
A NONE IN VEHICLE B UNKNOWN C LAP BELT USED D LAP BELT NOT USED E SHOULDER HARNESS USED F SHOULDER HARNESS NOT USED G LAP/SHOULDER HARNESS USED H LAP/SHOULDER HARNESS NOT USED J PASSIVE RESTRAINT USED K PASSIVE RESTRAINT NOT USED	A NON - COLLISION B PEDESTRIAN C OTHER MOTOR VEHICLE D MOTOR VEHICLE ON OTHER ROADWAY E PARKED MOTOR VEHICLE F TRAIN G BICYCLE H ANIMAL: I FIXED OBJECT: J OTHER OBJECT: METAL GATE.							

SKETCH

SEE PAGE 3

○
INDICATE NORTH

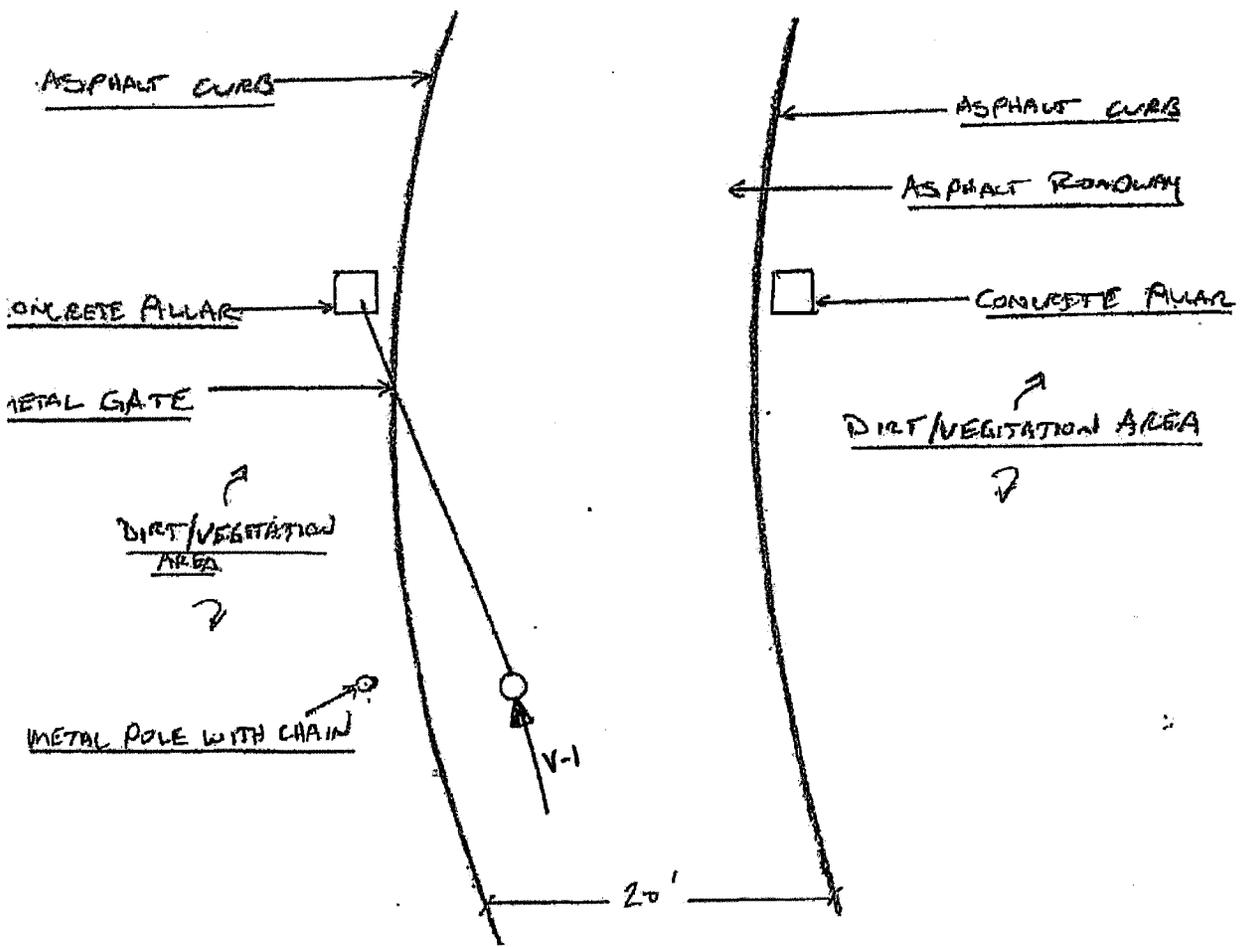
MISCELLANEOUS

Sketch

DATE OF COLLISION (MO. DAY YEAR) 11-08-11	TIME (2400) 0945	NGIC # 9675	OFFICER I.D. 14895	NUMBER
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

SERVICE DRIVEWAY INTO IRVINE PARK



↑

IRVINE PARK ROAD

PREPARED BY A. DUARTE	I.D. NUMBER 14895	MO. DAY YEAR 11-14-11	REVIEWER'S NAME	MO. DAY YEAR
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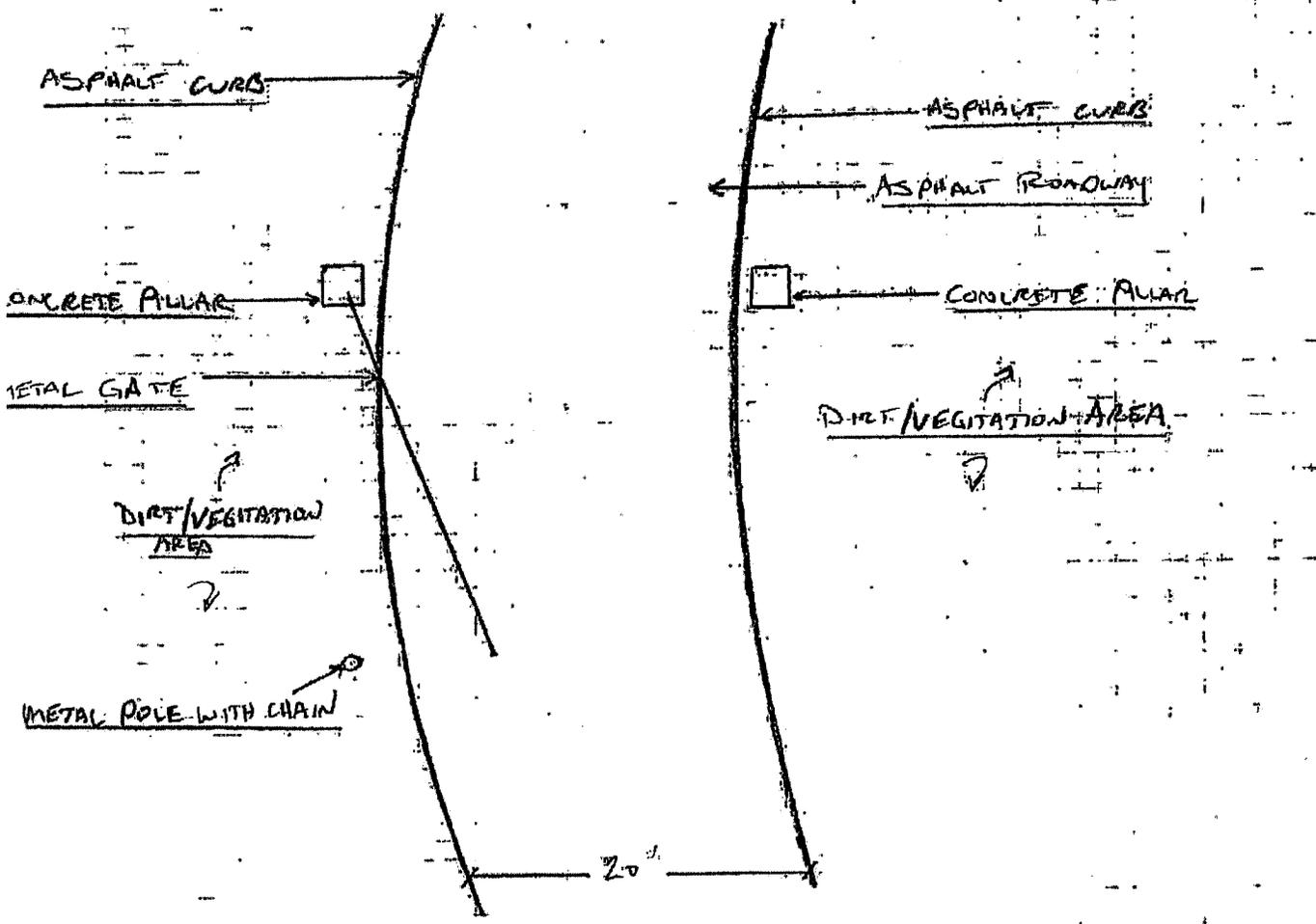
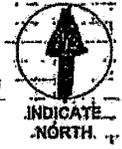
DATE OF COLLISION (MO. DAY YEAR)				TIME (RADIO)	NCIC#	OFFICER I.D.	NUMBER										
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER					
<input type="checkbox"/>	<input type="checkbox"/>	36	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	M	G	0
NAME / D. O. B. / ADDRESS CHARLES WEI CHEN / SAME AS P-1																	
(INJURED ONLY) TRANSPORTED BY: AMERICALAE AMBULANCE																	
TAKEN TO: SANTA ANA WEST MED																	
DESCRIBE INJURIES BROKEN RIB, BRUISED LEFT SIDE, ABRASIONS LEFT ARM																	
TREATED BY DR. NASSANSEI <input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D. O. B. / ADDRESS JOE COSTANTINO / 03-06-61 / 3512 MITCHELSON DR, IRVINE, CA 92612																	
(INJURED ONLY) TRANSPORTED BY:																	
TAKEN TO: (949) 439-9981																	
DESCRIBE INJURIES																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	30	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D. O. B. / ADDRESS HALEY QUINN / 06-17-81 / 5843 E. PINYON PINE DR, ORANGE, CA 92669																	
(INJURED ONLY) TRANSPORTED BY:																	
TAKEN TO: (323) 712-1717																	
DESCRIBE INJURIES																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D. O. B. / ADDRESS																	
(INJURED ONLY) TRANSPORTED BY:																	
TAKEN TO:																	
DESCRIBE INJURIES																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D. O. B. / ADDRESS																	
(INJURED ONLY) TRANSPORTED BY:																	
TAKEN TO:																	
DESCRIBE INJURIES																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	

PREPARER'S NAME A. JUARTE	I.D. NUMBER 14895	MO. DAY YEAR A-63-11	REVIEWER'S NAME A-5	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 11-08-11	TIME (2400) 0945	NCIC# 9675	OFFICER I.D. 14895	NUMBER
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)

SERVICE DRIVEWAY INTO IRVINE PARK



↑
IRVINE PARK ROAD

PREPARED BY A. DUARTE	I.D. NUMBER 14895	MO. DAY YEAR 11-08-11	REVIEWER'S NAME	MO. DAY YEAR
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NARRATIVE/SUPPLEMENTAL

PAGE 2

CFR 556

DATE OF INCIDENT/OCCURRENCE	TIME(2400)	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
11-08-11	0945	9675	14895	

FACTS**NOTIFICATION:**

I RECEIVED A CALL TO RESPOND TO A COLLISION WITH AN AMBULANCE RESPONDING AT 0947 HOURS. I RESPONDED FROM NEWPORT BOULEVARD AND CRAWFORD CANYON ROAD. I ARRIVED ON SCENE AT 0957 HOURS.

ALL TIMES, SPEEDS, AND MEASUREMENTS ARE APPROXIMATE. ALL MEASUREMENTS WERE OBTAINED BY ODOMETER, ROLL METER, AND VISUAL ESTIMATION.

SCENE:

THE SERVICE DRIVEWAY LOCATED ON 1 IRVINE PARK ROAD IS IN AN UNINCORPORATED AREA OF ORANGE COUNTY. IT IS A DRIVEWAY THAT IS NOT ACCESSIBLE TO THE PUBLIC. THE DRIVEWAY IS ALIGNED IN A NORTH/SOUTH DIRECTION. THE ROADWAY CURVES TO THE RIGHT SLIGHTLY. THE ROADWAY IS ASPHALT. TO THE WEST OF THE ROADWAY THERE IS A RAISED ASPHALT CURB, A DIRT/VEGETATION AREA WITH A METAL POST AND CHAIN, AND AN OUTWARD SWINGING METAL GATE THAT IS ATTACHED TO A SQUARE CONCRETE PILLAR. TO THE EAST OF THE ROADWAY THERE IS A RAISED ASPHALT CURB AND A DIRT/VEGETATION AREA. THERE IS ALSO ANOTHER SQUARE CONCRETE PILLAR. (SEE FACTUAL DIAGRAM FOR DETAIL)

PARTIES:

PARTY #1 WAS LOCATED AT THE SCENE LAYING ON A GURNEY AS HE WAS BEING TREATED BY MY MEDICAL PERSONNEL. HE WAS IDENTIFIED BY HIS CALIFORNIA DRIVER'S LICENSE. HE WAS DETERMINED TO BE DRIVING AT THE TIME OF THE COLLISION BY HIS OWN ADMISSION AND HIS INJURIES.

VEHICLE #1 WAS LOCATED IN THE DRIVEWAY, FACING IN A NORTHERLY DIRECTION, AND ON ITS WHEELS. P-1 HAD BACKED V-1 UP AFTER THE COLLISION. THE GATE WAS PARTIALLY STILL INSIDE V-1. V-1 SUSTAINED MODERATE DAMAGE. THE DAMAGE CONSISTED OF THE WINDSHIELD BROKEN, THE ARM OF THE LEFT REARVIEW MIRROR SCRAPED, THE DASH BROKEN, THE DRIVER'S SEAT PUNCTURED, AND THE REAR OF THE CAB DENTED. NO PRIOR DAMAGE OR MECHANICAL DEFECTS WERE CLAIMED OR NOTED.

PHYSICAL EVIDENCE:

(1) FIVE FEET OF SCRAPED GATE

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
A.C. DUARTE #14895	11/21/2011		

NARRATIVE/SUPPLEMENTAL

PAGE 7

CHP 556

DATE OF INCIDENT/OCCURRENCE	TIME(2400)	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
11-08-11	0945	9675	14895	

STATEMENTS:

P-1 RELATED IN ESSENCE AT THE SCENE THAT HE WAS DRIVING V-1 N/B ON THE DRIVEWAY AT 10 MPH. THERE WAS A WHITE VAN PARKED ON IRVINE PARK ROAD ON THE OTHER SIDE OF THE GATE, FACING IN AN EASTERLY DIRECTION. IT WAS TOWARD THE RIGHT SIDE OF THE DRIVEWAY. HE DID NOT SEE THE GATE UNTIL IT BEGAN TO COME INTO V-1. HE THINKS THE WHITE OF THE FENCE BLENDED IN WITH THE WHITE VAN IS WHY HE DID NOT SEE THE GATE. HE HAD ENTERED THE DRIVEWAY EARLIER AND THE GATE WAS OPEN. I RECONTACTED P-1 AT SANTA ANA WESTERN MEDICAL CENTER. HE RELATED THE GATE WAS ALL THE WAY OPEN WHEN HE WENT IN THE DRIVEWAY AT 0925 HOURS. HE THOUGHT MAYBE THE WIND BLEW IT OPEN. P-1 RELATED THE MEDICAL STAFF AT THE HOSPITAL GAVE HIM SOME MORPHINE FOR THE PAIN.

W-1 RELATED IN ESSENCE AT THE SCENE TO OFFICER S. TAYLOR, ID #13361, THAT HE WORKS FOR THE IRVINE RANCH WATER DISTRICT. HE OPENED THE GATE BETWEEN 0900-0915 HOURS AND ENTERED THE DRIVEWAY. HE PUSHED THE GATE TO THE POST. HE DID NOT CHAIN THE GATE BECAUSE THE GATE DID NOT MOVE. HE OBSERVED V-1 COME INTO THE PARK APPROXIMATELY 5-10 MINUTES AFTER HIM.

W-2 RELATED IN ESSENCE AT THE SCENE THAT SHE PARKED HER VEHICLE, A SMALL WHITE DODGE VAN, ON IRVINE PARK ROAD NEAR THE SERVICE DRIVEWAY, AT APPROXIMATELY 0920 HOURS. SHE PARKS THERE TO WAIT FOR THE SCHOOL BUSES SO THAT SHE CAN LEAD THEM INTO THE PARK. V-1 ENTERED THE DRIVEWAY AT APPROXIMATELY 0925 HOURS. SHE DID NOT KNOW IF THE GATE WAS ALL THE WAY OPEN OR NOT. AT 0945 HOURS, SHE SAW V-1 OUT OF THE CORNER OF HER EYE. SHE THEN HEARD THE IMPACT. SHE SAW V-1 BACK UP AS THE GATE WAS INSIDE IT.

OPINIONS AND CONCLUSIONSSUMMARY:

P-1 WAS DRIVING V-1 N/B ON THE PRIVATE SERVICE DRIVEWAY, S/OF IRVINE PARK ROAD, AT 10 MPH. THERE WAS A METAL GATE PARTIALLY SWUNG CLOSED, IN THE LEFT SIDE OF THE ROADWAY. P-1 WAS APPROACHING THE GATE AT AN UNSAFE SPEED FOR CONDITIONS. THIS CAUSED THE FRONT OF V-1 TO STRIKE THE GATE. THE END OF THE GATE WAS IMPALED THROUGH THE WINDSHIELD OF V-1, STRIKING P-1. THE SUMMARY WAS BASED ON STATEMENTS, VEHICLE DAMAGE, AND THE DAMAGE TO THE GATE.

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
A.C. DUARTE #14895	11/21/2011		

NARRATIVE/SUPPLEMENTAL

CHP 556

DATE OF INCIDENT/OCCURRENCE 11-08-11	TIME(2400) 0945	NCIG NUMBER 9675	OFFICER I.D. NUMBER 14895	NUMBER
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AREA OF IMPACT (AOI):

THE AOI (V-1 VS GATE) WAS .2 MILES EAST OF THE EAST ROADWAY EDGE PROLONGATION OF JAMBOREE ROAD AND 59 FEET SOUTH OF THE SOUTH ROADWAY EDGE PROLONGATION OF IRVINE PARK ROAD.

THE AOI WAS DETERMINED BY STATEMENTS, VEHICLE DAMAGE, AND THE DAMAGE TO THE GATE.

CAUSE:

P-1 CAUSED THIS COLLISION AS HE DROVE V-1 AT AN UNSAFE SPEED FOR CONDITIONS. THIS CAUSED V-1 TO STRIKE THE METAL GATE.

THE CAUSE WAS DETERMINED BY STATEMENTS, VEHICLE DAMAGE AND THE DAMAGE TO GATE.

RECOMMENDATIONS:

NONE.

PREPARER'S NAME AND I.D. NUMBER A.C. DUARTE #14895	DATE 11/21/2011	REVIEWER'S NAME	DATE
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May 14, 2012

Prepared by: Rob Jacobson 

Submitted by: Debby Cherney

Approved by: Paul Cook 

CONSENT CALENDAR

SAND CANYON MEDICAL OFFICE CONSTRUCTION PROJECT REDUCTION OF RETENTION

SUMMARY:

In June 2011, KPRS Construction, Inc. (KPRS) was awarded a construction contract for \$5,241,487 to construct Phase I of the Sand Canyon Office Project. Work is more than 95% complete and the contractor has requested that the retention being withheld by IRWD be reduced from 10% to 5%. Staff recommends that the Board authorize the reduction in the contractor's retention for this project.

BACKGROUND:

Phase I of the Sand Canyon Office Project includes construction of a 16,400 square foot medical office building, a separate community meeting facility and the reconfiguration of the majority of the existing Sand Canyon headquarters parking area on land adjacent to the Sand Canyon headquarters site. The scope of work for the project includes construction of the medical office building shell, a fully improved community meeting room, grading and paving of the new and reconfigured parking areas and related landscaping requirements for the site.

Board approval is required to reduce retention from 10% to 5%. The General Provisions state:

“At any time after 50% of the work has been satisfactorily completed and if the District determines that aggressive progress will continue to a timely completion of the contract, the District may pay any of the remaining progress payments in full for actual work completed.”

KPRS Construction, Inc. is near completion of the project and meeting all of the project milestone dates set forth in the initial schedule. Staff believes KPRS will complete work as agreed in the contract requirements and recommends that the Board authorize the reduction in the contractor's retention for this project.

FISCAL IMPACTS:

No adjustments are required to the FY 2012-13 Capital Budget and Expenditure Authorization for Phase I of the Sand Canyon Office Project, Project No. 11118 (1284).

ENVIRONMENTAL COMPLIANCE:

A Final Environmental Impact Report has been prepared, certified and the project approved by the County of Orange Environmental Management Agency in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended), codified at California Public Resources Code Sections 21000 et. seq., and the State CEQA Guidelines in the Code of Regulations, Title 14, Division 6, Chapter 3.

COMMITTEE STATUS:

This item was not reviewed by a Committee.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE THE REDUCTION OF RETENTION FROM 10% TO 5% OF THE CONTRACT AMOUNT AND RELEASE OF FUNDS IN EXCESS OF 5% OF THE CONTRACT AMOUNT FROM RETENTION CURRENTLY HELD FOR THE SAND CANYON OFFICE PROJECT, PROJECT NO. 11118 (1284).

LIST OF EXHIBITS:

None.

May 14, 2012

Prepared by: J. Dayer

Submitted by: D. Pedersen *D.P.*

Approved by: Paul Cook *P. Cook*

CONSENT CALENDAR

ROOF REPAIR PROJECT FOR THREE SITES EXPENDITURE AUTHORIZATION APPROVAL

SUMMARY:

The Roof Repair at Three Sites project consists of replacing approximately 1,500 square feet of bituminous membrane roofing at the No. 2 Michelson Water Recycling Plant (MWRP) Filter Pump Station, 1,230 square feet of bituminous membrane roofing at the Rattlesnake Pump Station dechlorination building and 13,200 square feet of composite asphalt shingle roofing at the Los Alisos Water Recycling Plant (LAWRP) operations building. Staff recommends that the Board:

- Approve Expenditure Authorizations in the amounts of \$64,400 for Project 11589, \$77,800 for Project 21589 and \$43,800 for Project 31589 for the Roof Repair at Three Sites project.

BACKGROUND:

In April 2011, routine inspections of the roofs at the MWRP Filter Pump Station No. 2, the LAWRP operations building and Rattlesnake Pump Station dechlorination building revealed roof media failure resulting in rainwater intrusion. The failure of the roof media is attributed to age; each roof is approximately 25 years old.

Five contractors with suitable roofing experience were invited to submit bids for the project. Bids were received from three contractors for the MWRP and Rattlesnake Pump Station: Western States Roof Systems, Inc., Best Contracting Services, Inc. and Commercial Roofing Systems, Inc. Bids were received from four contractors for the LAWRP: Roberts Roofing, Inc., Western States Roof Systems, Inc., Best Contracting Services, Inc. and Chapman Coast Roofing, Inc.

The apparent low bidders are Commercial Roofing Systems Inc. for the Rattlesnake Pump Station and MWRP roofs with bids of \$24,764 and \$42,238 respectively, and Roberts Roofing, Inc. for the LAWRP operations building roof with a bid of \$69,600. The bid summary is attached as Exhibit "A". Contracts for the work will be awarded to Commercial Roofing Systems, Inc. and Roberts Roofing, Inc. under the General Manager's authority. Both of these contractors have completed several projects for the District and staff has been satisfied with the quality of their work.

FISCAL IMPACTS:

Projects 11589 (1328), 21589 (1538) and 31589 (1267) are included in the approved Fiscal Year 2011-12 Capital Budget. Staff requests approval of Expenditure Authorizations as shown in the table below and attached as Exhibit “B”. The project is funded from the Replacement Fund.

Project No.	Current Budget	Addition <Reduction>	Total Budget	Existing EA	This EA Request	Total EA Request
11589 (1328)	\$64,400	\$0	\$64,400	\$0	\$64,400	\$64,400
21589 (1538)	\$77,800	\$0	\$77,800	\$0	\$77,800	\$77,800
31589 (1267)	\$43,800	\$0	\$43,800	\$0	\$43,800	\$43,800
TOTAL	\$186,000	\$0	\$186,000	\$0	\$186,000	\$186,000

ENVIRONMENTAL COMPLIANCE:

This project is categorically exempt from the California Environmental Quality Act (CEQA) as authorized by the California Code of Regulations, Title 14, Chapter 3, Sections 15301 and 15302, replacement or reconstruction of existing structures.

COMMITTEE STATUS:

Construction awards and the associated Expense Authorizations are not routinely taken to Committee prior to submittal to the Board.

RECOMMENDATION:

THAT THE BOARD APPROVE EXPENDITURE AUTHORIZATIONS IN THE AMOUNTS OF \$64,400 FOR PROJECT 11589 (1328), \$77,800 FOR PROJECT 21589 (1538) AND \$43,800 FOR PROJECT 31589 (1267) FOR THE ROOF REPAIR AT THREE SITES PROJECT.

LIST OF EXHIBITS:

- Exhibit “A” – Bid Summary
- Exhibit “B” – Expenditure Authorizations

EXHIBIT "A"

Roof Repair At 3 Sites-Bid Summary

Bidder	MWRP FPS-2	Rattlesnake D-Chlor Bldg.	LAWRP Ops. Bldg
Best Contracting	\$66,325	\$50,565	\$109,680
Commercial Roofing	\$42,238	\$24,764	No Bid
Western States Roofing	\$49,800	\$41,500	\$88,780
Roberts Roofing	No Bid	No Bid	\$69,600
Chapman Coast Roofing	No Bid	No Bid	\$118,486

Low Bid Summary

Site	Contractor	Bid Amount
MWRP FPS-2	Tecta America	\$42,000
Rattlesnake D-Chlor Bldg.	Commercial Roofing	\$24,764
LAWRP Ops. Bldg	Roberts Roofing	\$69,600

IRVINE RANCH WATER DIS'

Expenditure Authorization

Project Name: ROOF REPAIR AT 3 SITES
 EPMS Project No: 11589 EA No: 1
 Oracle Project No: 1328
 Project Manager: PEDERSEN, DAVID
 Project Engineer: DAYER, JOHN
 Request Date: April 30, 2012

ID Split: Miscellaneous

Improvement District (ID) Allocations

ID No.	Allocation %	Source of Funds
101	100.0	REPLACEMENT FUND**
Total	100.0%	

Summary of Direct Cost Authorizations

Previously Approved EA Requests:	\$0
This Request:	\$64,400
Total EA Requests:	\$64,400
Previously Approved Budget:	\$64,400
Budget Adjustment Requested this EA:	\$0
Updated Budget:	\$64,400
Budget Remaining After This EA	\$0

Comments:

Phase	This EA Request	Previous EA Requests	EA Requests to Date	This Budget Request	Previous Budget	Updated Budget	Start	Finish
ENGINEERING DESIGN - OUTSIDE	1,000	0	1,000	0	1,000	1,000	7/11	6/13
ENGINEERING - CA&I IRWD	0	0	0	0	0	0	7/11	6/13
CONSTRUCTION FIELD SUPPORT	1,500	0	1,500	0	1,500	1,500	7/11	6/13
CONSTRUCTION	56,000	0	56,000	0	56,000	56,000	7/11	6/13
LEGAL	0	0	0	0	0	0	7/11	6/13
Contingency - 10.00% Subtotal	\$5,900	\$0	\$5,900	\$0	\$5,900	\$5,900		
Subtotal (Direct Costs)	\$64,400	\$0	\$64,400	\$0	\$64,400	\$64,400		
Estimated G/A - 180.00% of direct labor*	\$2,700	\$0	\$2,700	\$0	\$2,700	\$2,700		
Total	\$67,100	\$0	\$67,100	\$0	\$67,100	\$67,100		
Direct Labor	\$1,500	\$0	\$1,500	\$0	\$1,500	\$1,500		

*EA includes estimated G&A. Actual G&A will be applied based on the current ratio of direct labor to general and administrative costs.

EA Originator: _____

Department Director: _____

Finance: _____

Board/General Manager: _____

** IRWD hereby declares that it reasonably expects those expenditures marked with two asterisks to be reimbursed with proceeds of future debt to be incurred by IRWD in a maximum principal amount of \$69,000 additional documents, if any, which are hereby incorporated

further described in the attached staff report and official intent to reimburse costs of the above-captioned

IRVINE RANCH WATER DISTRICT

Expenditure Authorization

Project Name: ROOF REPAIR AT 3 SITES
 EPMS Project No: 21589 EA No: 1
 Oracle Project No: 1538
 Project Manager: PEDERSEN, DAVID
 Project Engineer: DAYER, JOHN
 Request Date: April 30, 2012

ID Split: Miscellaneous

Improvement District (ID) Allocations

ID No.	Allocation %	Source of Funds
210	100.0	REPLACEMENT FUND**
Total	100.0%	

Summary of Direct Cost Authorizations

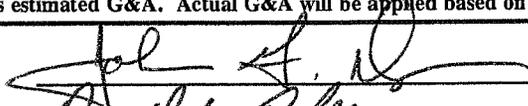
Previously Approved EA Requests:	\$0
This Request:	\$77,800
Total EA Requests:	\$77,800
Previously Approved Budget:	\$77,800
Budget Adjustment Requested this EA:	\$0
Updated Budget:	\$77,800
Budget Remaining After This EA	\$0

Comments:

Phase	This EA Request	Previous EA Requests	EA Requests to Date	This Budget Request	Previous Budget	Updated Budget	Start	Finish
ENGINEERING DESIGN - OUTSIDE	1,400	0	1,400	0	1,400	1,400	7/11	6/13
ENGINEERING - CA&I IRWD	0	0	0	0	0	0	7/11	6/13
CONSTRUCTION FIELD SUPPORT	2,000	0	2,000	0	2,000	2,000	7/11	6/13
CONSTRUCTION	67,400	0	67,400	0	67,400	67,400	7/11	6/13
LEGAL	0	0	0	0	0	0	7/11	6/13
Contingency - 10.00% Subtotal	\$7,000	\$0	\$7,000	\$0	\$7,000	\$7,000		
Subtotal (Direct Costs)	\$77,800	\$0	\$77,800	\$0	\$77,800	\$77,800		
Estimated G/A - 180.00% of direct labor*	\$3,600	\$0	\$3,600	\$0	\$3,600	\$3,600		
Total	\$81,400	\$0	\$81,400	\$0	\$81,400	\$81,400		
Direct Labor	\$2,000	\$0	\$2,000	\$0	\$2,000	\$2,000		

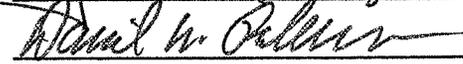
*EA includes estimated G&A. Actual G&A will be applied based on the current ratio of direct labor to general and administrative costs.

EA Originator:



5/1/12

Department Director:



05/01/12

Finance:

Board/General Manager:

** IRWD hereby declares that it reasonably expects those expenditures marked with two asterisks to be reimbursed with proceeds of future debt to be incurred by IRWD in a maximum principal amount of \$84,000 as further described in the attached staff report and additional documents, if any, which are hereby incorporate official intent to reimburse costs of the above-captioned project is made under Treasury Regulation Section 1.150.2

IRVINE RANCH WATER DISTRICT

Expenditure Authorization

Project Name: ROOF REPAIR AT 3 SITES
 EPMS Project No: 31589 EA No: 1
 Oracle Project No: 1267
 Project Manager: PEDERSEN, DAVID
 Project Engineer: DAYER, JOHN
 Request Date: April 30, 2012

ID Split: Miscellaneous

Improvement District (ID) Allocations

ID No.	Allocation %	Source of Funds
210	100.0	REPLACEMENT FUND**
Total	100.0%	

Summary of Direct Cost Authorizations

Previously Approved EA Requests:	\$0
This Request:	\$43,800
Total EA Requests:	\$43,800
Previously Approved Budget:	\$43,800
Budget Adjustment Requested this EA:	\$0
Updated Budget:	\$43,800
Budget Remaining After This EA	\$0

Comments:

Phase	This EA Request	Previous EA Requests	EA Requests to Date	This Budget Request	Previous Budget	Updated Budget	Start	Finish
ENGINEERING DESIGN - OUTSIDE	1,000	0	1,000	0	1,000	1,000	7/11	6/13
ENGINEERING - CA&I IRWD	0	0	0	0	0	0	7/11	6/13
CONSTRUCTION FIELD SUPPORT	2,000	0	2,000	0	2,000	2,000	7/11	6/13
CONSTRUCTION	36,800	0	36,800	0	36,800	36,800	7/11	6/13
LEGAL	0	0	0	0	0	0	7/11	6/13
Contingency - 10.00% Subtotal	\$4,000	\$0	\$4,000	\$0	\$4,000	\$4,000		
Subtotal (Direct Costs)	\$43,800	\$0	\$43,800	\$0	\$43,800	\$43,800		
Estimated G/A - 180.00% of direct labor*	\$3,600	\$0	\$3,600	\$0	\$3,600	\$3,600		
Total	\$47,400	\$0	\$47,400	\$0	\$47,400	\$47,400		
Direct Labor	\$2,000	\$0	\$2,000	\$0	\$2,000	\$2,000		

*EA includes estimated G&A. Actual G&A will be applied based on the current ratio of direct labor to general and administrative costs.

EA Originator: _____

Department Director: _____

Finance: _____

Board/General Manager: _____

** IRWD hereby declares that it reasonably expects those expenditures marked with two asterisks to be reimbursed with proceeds of future debt to be incurred by IRWD in a maximum principal amount of \$4 million additional documents, if any, which are hereby incorporated by reference into this authorization. No official intent to reimburse costs of the above-captioned project is made under Treasury Regulation Section 1.150-

is further described in the attached staff report and of official intent to reimburse costs of the above-captioned

May 14, 2012

Prepared By: F. Sanchez

Submitted by: G. Heiertz

Approved by: Paul Cook

Handwritten initials and signatures:
FHS
GH
1,6002.

ACTION CALENDAR

ELEVENTH AND TWELFTH AMENDMENTS TO AGREEMENT FOR PARTICIPATION AND CO-FUNDING IN SPECIFIED MUNICIPAL WATER DISTRICT OF ORANGE COUNTY REBATE PROGRAMS

SUMMARY:

The Water Conservation Business Plan (Plan) includes a "Tactical Incentives" element to encourage customers to install water conservation devices. Incentive payments are based on the water and wastewater systems avoided costs for each device and are therefore cost-effective for IRWD. As a result of a recent change by Metropolitan Water District of Southern California (MWD) extending the cut-off for FY 2011-12 from April 30 to June 30, 2012, staff anticipates there may be a shortfall of IRWD matching funds. Therefore, staff proposes adding \$50,000 in funding for this fiscal year to minimize disruptions to IRWD customers. Staff has reviewed existing funding levels and water savings, and recommends that FY 2012-13 remain consistent with the current incentive levels. An amount of \$450,000 in Tactical Incentive Funding is included in the proposed FY 2012-13 Operating Budget. Staff recommends that the Board authorize the General Manager to execute updated Amendments to the existing Agreement with the Municipal Water District of Orange County (MWDOC) to add \$50,000 in funding for FY 2011-12, and effective July 1, 2012, maintain the current incentive levels and provide up to \$450,000 in Tactical Incentive funding for FY 2012-13.

BACKGROUND:

Tactical Incentives are one of the key elements of IRWD's Water Use Efficiency Program. The Tactical Incentives are cost-effective financial incentives provided by IRWD to supplement existing regional rebate programs administered by either MWD and/or MWDOC. The incentives are based on IRWD's calculated avoided costs resulting from the installation of the various conservation devices.

The current program is operating under a Tenth Amendment to the Agreement for Participation and Co-funding by Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs. Staff proposes executing an Eleventh Amendment, which is attached as Exhibit "A", to the existing Agreement to add \$50,000 in funding to the program for FY 2011-12 in response to MWD's recent decision to extend the cutoff from April 30 to June 30, 2012. Staff also proposes executing a Twelfth Amendment, which is attached as Exhibit "B", to the existing Agreement to extend the term until June 30, 2013 and to provide up to \$450,000 in Tactical Incentive funding for regional programs in FY 2012-13. These amendments will ensure continued operation of the program and minimize disruptions for IRWD customers.

Action Calendar: Eleventh and Twelfth Amendments to Agreement for Participation and Co-funding in Specified MWDOC Rebate Programs

May 14, 2012

Page 2

FISCAL IMPACTS:

The FY 2011-12 Operating Budget would be increased by \$50,000, funded from over-allocation revenues. Funding for tactical incentives in the amount of \$450,000 is included in the proposed FY 2012-13 Operating Budget from over-allocation revenues.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

This item was reviewed by the Water Resources Policy and Communications Committee on May 3, 2012.

RECOMMENDATION:

THAT THE BOARD AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE ELEVENTH AND TWELFTH AMENDMENTS TO THE AGREEMENT FOR PARTICIPATION AND CO-FUNDING BY IRVINE RANCH WATER DISTRICT IN SPECIFIED MUNICIPAL WATER DISTRICT OF ORANGE COUNTY REBATE PROGRAMS, SUBJECT TO NON-SUBSTANTIVE CHANGES, ADDING \$50,000 IN FUNDING FOR FY 2011-12, AND APPROVING \$450,000 IN FUNDING FOR FY 2012-13, FOR COST-EFFECTIVE TACTICAL INCENTIVE WATER USE EFFICIENCY MEASURES.

LIST OF EXHIBITS:

Exhibit "A" – Eleventh Amendment to the Agreement for Participation and Co-funding By Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs

Exhibit "B" – Twelfth Amendment to the Agreement for Participation and Co-funding By Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs

EXHIBIT "A"

Eleventh Amendment to Agreement for Participation and Co-Funding By Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs

This Eleventh Amendment ("Amendment") to the existing "Agreement for Participation and Co-Funding by Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs" ("Agreement") is entered into by and between the Municipal Water District of Orange County ("MWDOC") and Irvine Ranch Water District ("IRWD"). The Agreement provides for participation and co-funding by IRWD of residential and commercial water use efficiency devices through Metropolitan Water District of Southern California's ("Metropolitan") Save Water Save A Buck ("Save A Buck") and SoCal Water\$mart ("SoCal Water\$mart") rebate programs in IRWD's service area.

This Amendment modifies the Agreement, which includes without limitation all previous amendments and attachments. Except as stated below, this Amendment is effective April 15, 2012, and the Agreement, as amended hereby, remains in full force and effect.

1. "Exhibit A" to the Agreement, entitled "Proposed Rebate Funding Levels FY 2011-2012," is deleted in its entirety and replaced with the following table. The amounts shown below for "Maximum Funding" are cumulative amounts for fiscal year 2011-2012 to date, and reflects an increase in funding of \$50,000 for the SoCal Water\$mart rebate program.

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Exhibit A: Proposed Rebate Funding Levels FY 2011-2012

Program	Maximum Funding*	Devices	IRWD Rebate Funding Level Per Device
WaterSmart Program	\$495,000	High Efficiency Clothes Washers	\$200
Program	Maximum Funding*	Devices	IRWD Rebate Funding Level Per Device
Save Water – Save A Buck Rebate Program	\$105,000	Commercial High Efficiency Toilet	\$100
		Zero Water/Ultra Low Water Urinals	\$100
		Connectionless Food Steamer	\$485 Per Compartment
		Commercial Ice Making Machine (Tier III)	\$250
		Hotel Connectionless Food Steamer	\$485 Per Compartment
		Hotel Commercial Ice Making Machine (Tier III)	\$250.00
Total Funding for All Programs	\$600,000		

* Where indicated, "Maximum Funding" amounts for certain programs are subject to the provisions of Paragraph 3 of the Agreement and will be adjusted upon notification by IRWD to transfer funding between programs.

Dated: _____

**MUNICIPAL WATER DISTRICT OF
ORANGE COUNTY**

By: _____
Kevin P. Hunt
General Manager

Dated: _____

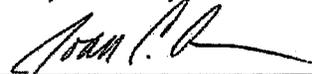
IRVINE RANCH WATER DISTRICT

By: _____
Paul Cook
General Manager

Dated: 4-17-12

Approved as to Form:

Bowie, Arneson, Wiles & Giannone



Joan C. Arneson
Legal Counsel

Internal Use Only:	
Program No.	_____
Line Item:	_____
Funding Year:	_____
Contract Amt.:	_____
Purchase Order #:	_____

EXHIBIT "B"

Twelfth Amendment to Agreement for Participation and Co-Funding By Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs

This Twelfth Amendment ("Amendment") to the existing "Agreement for Participation and Co-Funding by Irvine Ranch Water District in Specified Municipal Water District of Orange County Rebate Programs" ("Agreement") is entered into by and between the Municipal Water District of Orange County ("MWDOC") and Irvine Ranch Water District ("IRWD"). The Agreement provides for participation and co-funding by IRWD of residential and commercial water use efficiency devices through Metropolitan Water District of Southern California's ("Metropolitan") Save Water Save A Buck ("Save A Buck") and SoCal WaterSmart (WaterSmart) rebate programs in IRWD's service area.

This Amendment modifies the Agreement, which includes without limitation all previous amendments and attachments. Except as stated below, this Amendment is effective July 1, 2012, and the Agreement, as amended hereby, remains in full force and effect.

1. Section 3 to the Agreement, entitled "IRWD Participation and Co-Funding," is deleted in its entirety and replaced with the following:

"3. IRWD Participation and Co-Funding. In addition to the existing funding for rebates provided directly through Metropolitan's Save a Buck and WaterSmart programs, IRWD will provide additional funding or "co-funding" to both programs in the "Maximum Funding" amounts identified on Exhibit A to this Agreement, entitled "Proposed Rebate Funding Levels FY 2012-2013." IRWD shall have the ability to effect a transfer of funding between programs as it deems necessary by sending written notice to MWDOC. Such a notice shall specify changes to the "Maximum Funding" for each program affected by the transfer and shall not result in a net increase in total funding. For example, if the Save A Buck program is nearing the "Maximum Funding" amount, while the WaterSmart rebate program has funding remaining, IRWD may notify MWDOC in writing to transfer funding between the programs, thereby increasing the Maximum Funding for one program and decreasing it for the other."

2. Section 8 to the Agreement, entitled "Term," is deleted in its entirety and replaced with the following:

"8. Term. This Agreement shall commence on July 1, 2006, and continue until June 30, 2013, or until the Total Funding for All Programs, as shown on Exhibit A hereto, has been exhausted, whichever occurs first ("Program Expiration"). If the Maximum Funding for a particular program is exhausted prior to Program Expiration, MWDOC will direct its Rebate Contractor to discontinue offering

additional rebate funding for that program in IRWD's service area unless IRWD elects to add additional funding or notifies MWDOC to transfer available funding from another program as provided in Paragraph 3 above."

3. "Exhibit A" to the Agreement, entitled "Proposed Rebate Funding Levels FY 2011-2012," is deleted in its entirety and replaced with the following table.

Exhibit A: Proposed Rebate Funding Levels FY 2012-2013

Program	Maximum Funding*	Devices	IRWD Rebate Funding Level Per Device
WaterSmart Program	\$350,000	High Efficiency Clothes Washers	\$200
Program	Maximum Funding*	Devices	IRWD Rebate Funding Level Per Device
Save Water – Save A Buck Rebate Program	\$100,000	Commercial High Efficiency Toilet	\$100
		Zero Water/Ultra Low Water Urinals	\$100
		Connectionless Food Steamer	\$485 Per Compartment
		Commercial Ice Making Machine (Tier III)	\$250
		Hotel Connectionless Food Steamer	\$485 Per Compartment
		Hotel Commercial Ice Making Machine (Tier III)	\$250.00
Total Funding for All Programs	\$450,000		

* Where indicated, "Maximum Funding" amounts for certain programs are subject to the provisions of Paragraph 3 of the Agreement and will be adjusted upon notification by IRWD to transfer funding between programs.

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Dated: _____

MUNICIPAL WATER DISTRICT OF
ORANGE COUNTY

By: _____

Kevin P. Hunt
General Manager

Dated: _____

IRVINE RANCH WATER DISTRICT

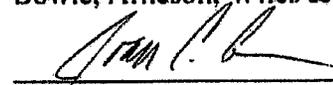
By: _____

Paul Cook
General Manager

Dated: 4-17-12

Approved as to Form:

Bowie, Arneson, Wiles & Giannone



Joan C. Arneson
Legal Counsel

Internal Use Only:

Program No. _____

Line Item: _____

Funding Year: _____

Contract Amt.: _____

Purchase Order #: _____

May 14, 2012 
Prepared by: Bray/Jacobson 
Submitted by: Debby Cherney
Approved by: Paul Cook 

ACTION CALENDAR

POLLUTION INSURANCE RENEWAL – IRVINE DESALTER PROJECT

SUMMARY:

The District's three-year pollution and remediation legal liability policy (Pollution Insurance) covering the Irvine Desalter Project (IDP) will expire on May 23, 2012. The purpose of this item is to request that the Board authorize the General Manager to renew this insurance by binding coverage with XL Insurance (XL) for the three-year period from May 23, 2012 through May 23, 2015 in an amount not to exceed \$257,554, which represents a 22% reduction in premium from the current policy.

BACKGROUND:

The Settlement Agreement Among the Settling Federal Agencies, Orange County Water District (OCWD) and Irvine Ranch Water District (IRWD) in regard to the former Marine Corps Air Station El Toro Groundwater Remediation (El Toro Agreement) requires that IRWD/OCWD acquire Pollution Insurance in the minimum amount of \$20 million that reasonably covers risk concerning the IDP and to maintain such insurance for forty years unless commercially impracticable. It is IRWD's responsibility to procure such insurance under the Second Amended and Restated Agreement between OCWD and IRWD Regarding the Irvine Desalter Project (IDP Agreement).

The El Toro Agreement provides \$5.25 million to reimburse IRWD/OCWD for the following:

- Pollution insurance;
- Claims/deductibles related to hazardous, substances, pollutants, or contaminants (pollutants);
- Additional project costs incurred to respond to release of pollutants that are previously unknown, exceed known levels, or are subject to more stringent Federal or State standards;
- Unanticipated repair/replacement beyond ordinary maintenance and repair; and
- New groundwater monitoring wells.

In May 2009, the District renewed a three-year Pollution Insurance policy with XL meeting the requirements of the Settlement Agreement for a premium of \$332,057 including taxes and fees. This policy will expire May 23, 2012. Marsh USA, IRWD's broker of record for this insurance program, approached the five major carriers that provide pollution coverage for a competitive remarketing of the expiring coverage. Provided as Exhibit "A" is Marsh USA's summary of their remarketing effort. As described in Exhibit "A", the remarketing resulted in responses from the current carrier, XL, and ACE INA Excess and Surplus Insurance Services (ACE). The proposed premiums for XL and ACE to provide for \$20 million of coverage for third party liability, \$250,000 deductible and three-year term are \$257,554 and \$227,490, respectively.

Staff recommends renewing coverage with XL for a premium of \$257,554 based on a comparison of the proposed policies as follows:

- XL does not limit Products Pollution Liability to \$10,000,000;
- XL provides coverage to all pipelines distributing water from the IDP project rather than only those depicted in the Tetra Tech drawing dated 2004;
- XL does not require its legal approval of the insured contracts referenced above; and
- ACE's coverage would include a broader and less definitive description of known conditions to be excluded than XL's coverage.

FISCAL IMPACTS:

Premiums and deductibles, in addition to other project costs, are subject to reimbursement from the \$5.25 million contingency fund set aside by the Department of the Navy for use over the estimated 40-year life of the project as provided for in the Settlement Agreement.

ENVIRONMENTAL COMPLIANCE:

Not applicable.

COMMITTEE STATUS:

Due to the additional time required by the submitting insurance providers to complete their proposals and the requirement to renew the policy by May 23, 2012, this item has not been reviewed by the Finance and Personnel Committee.

RECOMMENDATION:

THAT THE BOARD APPROVE THE DISTRICT'S THREE-YEAR POLLUTION AND REMEDIATION LEGAL LIABILITY INSURANCE POLICY RENEWAL FOR THE IRVINE DESALTER PROJECT WITH XL INSURANCE IN AN AMOUNT NOT TO EXCEED \$257,554 AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY TO BIND SUCH COVERAGE.

LIST OF EXHIBITS:

Exhibit "A" – Marsh USA Executive Summary of Proposals

EXHIBIT "A"



Irvine Ranch Water District

EXECUTIVE SUMMARY

Marsh is pleased to present our initial proposal for Irvine Ranch Water District's Pollution Legal Liability insurance renewal. We are happy to report that we have been able to negotiate the enhanced coverages that we anticipated *in addition to* reducing the premium by 20%-30%. The enhancements include:

- ✓ 3rd party bodily injury and property damage coverage for "known conditions"
- ✓ Blanket non-owned disposal site coverage
- ✓ Mold and Legionella coverage
- ✓ 1st party business interruption coverage
- ✓ Illicit abandonment coverage
- ✓ Broader coverage for all pipelines...
- ✓ Extending the "covered locations" to include "all pipelines associated with water distribution and supply from the above locations." (under XL's proposal)

Placement Strategy

Markets to Approach:

Market	A.M. Best Rating
ACE	A+ XV
Catlin	A XV
Chartis	A XV
CV Star	A IX
XL	A XV

Goal:

Provide Pollution Legal Liability (PLL) coverage for Irvine Ranch Water District's properties and wells covering third party bodily injury and property damage for known and unknown conditions, as well as cleanup costs for unknown conditions resulting from historical conditions and new releases for all locations. The goal was also to ensure there is coverage for pollution products liability coverage.

Market Response:

Market	Response
ACE	Quoted
Catlin	Declined, could not offer \$20M limit option
Chartis	Declined, could not offer products pollution coverage
CV Star	Declined, could not offer products pollution coverage
XL	Quoted

PREMIUM SUMMARY

3 Year Policy Term

Limits Each Incident/Aggregate	Self-Insured Retention	Expiring Program (XL)	XL	ACE
\$20,000,000/\$20,000,000	\$100,000		\$313,966	\$263,884
	\$250,000	\$332,057	\$257,554	\$227,490
\$25,000,000/\$25,000,000	\$100,000		\$361,401	\$285,228
	\$250,000		\$297,323	\$311,675
\$30,000,000/\$30,000,000	\$100,000		\$408,264	Not Quoted
	\$250,000		\$336,638	Not Quoted

Please Note:

- 1) Defense is within the Limits of Liability.
- 2) Multi year policies apply with a single aggregate limit that is not re-instated annually.
- 3) Surplus lines taxes and fees will be **in addition** to the above stated premium.
- 4) TRIA coverage is **not** included in the above stated premiums.
- 5) See individual specimen forms for standard exclusions, terms, and conditions.
- 6) Total premium is due within 30 days of binding.
- 7) *All carriers are non-admitted in the State of California and other jurisdictions. As such, they are not licensed/supervised by the State(s), and in the event of insolvency, they are not covered by any State Insurance Guaranty Fund*

COVERAGE SUMMARY

Features	Expiring Policy (XL)	XL	ACE
Named Insured	Irvine Ranch Water District	Irvine Ranch Water District	Irvine Ranch Water District
Additional Named Insured(s)	Orange County Water District	Orange County Water District and any entity in which IRWD did or does have at least a 50% or more ownership interest	Orange County Water District and any entity in which IRWD maintains at least a 50% ownership interest
Coverage	Claims-made and reported	Claims-made and reported	Claims-made and reported
	Non-admitted *Surplus lines taxes and fees will apply	Non-admitted *Surplus lines taxes and fees will apply	Non-admitted *Surplus lines taxes and fees will apply
Covered Locations	<ul style="list-style-type: none"> • Potable System Treatment Plant, 26 Waterworks, Irvine, CA • Principal Aquifer Treatment Plant, 5565 ½ Irvine Center Dr., Irvine, CA • Shallow Groundwater Unit Treatment Plant, 7000 Marine Way, Irvine, CA • Well 107, 13925 Culver Drive, Irvine, CA • Well 77, 2.25 Escolar, Irvine, CA • Well 76, 14311.75 Yale Avenue, Irvine, CA • Well 110, 5656.5 Walnut Avenue, Irvine, CA • Well 115, 14000 Commerce, Irvine, CA • Well 78, 16003 ½ Culver Drive, Irvine, CA • Well ET-2 (TIC Well 113), 15453 Culver Drive, Irvine, CA • Well ET-1, 5565 ½ Irvine Center Drive, Irvine, CA • The raw water and brine pipelines as depicted in the Tetra Tech drawing dated May 2005 	<ul style="list-style-type: none"> • Potable System Treatment Plant, 26 Waterworks, Irvine, CA • Principal Aquifer Treatment Plant, 5565 ½ Irvine Center Dr., Irvine, CA • Shallow Groundwater Unit Treatment Plant, 7000 Marine Way, Irvine, CA • Well 107, 13925 Culver Drive, Irvine, CA • Well 77, 2.25 Escolar, Irvine, CA • Well 76, 14311.75 Yale Avenue, Irvine, CA • Well 110, 5656.5 Walnut Avenue, Irvine, CA • Well 115, 14000 Commerce, Irvine, CA • Well 78, 16003 ½ Culver Drive, Irvine, CA • Well ET-2 (TIC Well 113), 15453 Culver Drive, Irvine, CA • Well ET-1, 5565 ½ Irvine Center Drive, Irvine, CA • The raw water and brine pipelines as depicted in the Tetra Tech drawing dated May 2005 • All pipelines associated with water distribution and supply from the above locations 	<ul style="list-style-type: none"> • Potable System Treatment Plant, 26 Waterworks, Irvine, CA • Principal Aquifer Treatment Plant, 5565 ½ Irvine Center Dr., Irvine, CA • Shallow Groundwater Unit Treatment Plant, 7000 Marine Way, Irvine, CA • Well 107, 13925 Culver Drive, Irvine, CA • Well 77, 2.25 Escolar, Irvine, CA • Well 76, 14311.75 Yale Avenue, Irvine, CA • Well 110, 5656.5 Walnut Avenue, Irvine, CA • Well 115, 14000 Commerce, Irvine, CA • Well 78, 16003 ½ Culver Drive, Irvine, CA • Well ET-2 (TIC Well 113), 15453 Culver Drive, Irvine, CA • Well ET-1, 5565 ½ Irvine Center Drive, Irvine, CA • Pipelines as depicted in the Tetra Tech drawing dated August 2004

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Features	Expiring Policy (XL)	XL	ACE
Minimum Earned	50% policy inception	50% policy inception	25% policy inception
Aggregate Retention	No	No	\$100K: 3X with a \$50K maintenance \$250K: 2X with a \$125K maintenance
New Conditions	Yes	Yes	Yes
Pre-Existing Conditions	Yes	Yes	Yes
Clean-Up Costs	Yes, with the exception of known conditions	Yes, with the exception of known conditions	Yes, with the exception of known conditions
On-Site	Yes	Yes	Yes
Off-Site	Yes	Yes	Yes
Trigger	1 st party discovery and 3 rd party/government agency claims	1 st party discovery and 3 rd party/government agency claims	1 st party discovery and 3 rd party/government agency claims
3 rd Party Bodily Injury	Yes, with the exception of known conditions	Yes	Yes
3 rd Party Property Damage	Yes, with the exception of known conditions	Yes, with the exception of known conditions	Yes
Diminution in Value	Yes	Yes	Yes
Natural Resource Damage	Yes	Yes	Yes
Legal Defense	Yes, within the limits	Yes, within the limits	Yes, within the limits
Transportation Cargo	Yes, 3 rd party	Yes, 1 st and 3 rd party	Yes, 1 st and 3 rd party
Asbestos and Lead	Cleanup in soil or groundwater	Cleanup in soil or groundwater	Cleanup in soil or groundwater and 3 rd party bodily injury or property damage
Choice of Law/Venue	NY	Silent	NY
Extended Reporting Period	90 days	90 days	90 days
Material Change in Use Exclusion	Yes	Yes	Yes

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Features	Expiring Policy (XL)	XL	ACE
Notice of Cancellation	60 days	90 days	90 days
Storage Tanks			
<i>Aboveground (AST)</i>	Yes, blanket coverage	Yes, blanket coverage	Yes, blanket coverage
<i>Underground (UST)</i>	Excluded unless unknown to the Insured or scheduled. None scheduled.	Excluded unless unknown to the Insured or scheduled. None scheduled.	Excluded unless unknown to the Insured, scheduled, closed in place, clarifiers, sumps, fire suppression, or overflow tanks, UST in vaults, basements, or garages with 100% tank volume above ground surface, or tanks containing less than 100 gall of hydraulic oil associated with hydraulic elevators. None scheduled.
Non-Owned Disposal Sites	No	Yes, blanket coverage	Yes, blanket coverage
Mold Coverage	Excluded	Yes, includes Legionella	Yes, includes Legionella
Business Interruption	No	Yes, 7 day deductible	Yes, 3 day deductible
Illicit Abandonment	No	Yes	Yes
Products Pollution Liability	Yes, coverage for loss arising from pollutants in water that is distributed and/or supplied by IRWD from any covered location	Yes, coverage for bodily injury or remediation costs arising from pollutants in water that is distributed and/or supplied by the Insured from the following locations: <ol style="list-style-type: none"> 1. Principal Aquifer Treatment Plant 2. Shallow Groundwater Unit Treatment Plant 3. Well 78 4. Well ET-2 (TIC Well 113) 5. Well ET-1 Coverage for loss arising from pollutants in water that is distributed and/or supplied by IRWD from any other covered location	Yes, coverage for claims arising out of potable and non-potable waster sold, manufactured, handled, or distributed by IRWD NOTE: \$10M sublimit

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Features	Expiring Policy (XL)	XL	ACE
Known Conditions Exclusion	<p>All coverages afforded under the policy arising from the following constituents in groundwater:</p> <ul style="list-style-type: none"> • Benzene, Tetrachlorethylene, carbon tetrachloride, 1,1 DCE • Freon-113, carbon disulfide, 1,2,3-TCP (perchlorate), vinyl chloride, Cis-1,2 – DCE nitrates • Chloroform, manganese <p>However, does <u>not</u> apply to releases of contents from any aboveground storage tank or products coverage</p>	<p>Property damage, remediation expense, and business interruption loss arising from the following constituents in groundwater:</p> <ul style="list-style-type: none"> • Benzene, Tetrachlorethylene, carbon tetrachloride, 1,1 DCE • Freon-113, carbon disulfide, 1,2,3-TCP (perchlorate), vinyl chloride, Cis-1,2 – DCE nitrates • Chloroform, manganese <p>On, at, under or migrating from the following locations:</p> <ol style="list-style-type: none"> 1. Principal Aquifer Treatment Plant 2. Shallow Groundwater Unit Treatment Plant 3. Well 78 4. Well ET-2 (TIC Well 113) 5. Well ET-1 <p>However, does <u>not</u> apply to releases of contents from any aboveground storage tank or products coverage</p>	<p>Remediation costs arising from:</p> <ul style="list-style-type: none"> • Pollution conditions associated with the Former El Toro Marine Corps Air Station Superfund Site • Pollution conditions in extracted well water that first commenced in whole or in part prior to the policy inception
Disclosed Document Schedule	See Appendix A	See Appendix A	See Appendix A
Insured Contract(s) Schedule	See Appendix B	See Appendix B	See Appendix B NOTE: Subject to legal approval
Choice of Counsel	No	No	Yes, with written consent of ACE
Fines and Penalties	Punitive, exemplary or multiplied damages where such coverage is insurable by law	Yes, where insurance by law NOTE: \$5M sublimit	Punitive or exemplary damages where such coverage is insurable by law
Other Insurance	Excess	Primary and contributory	Excess

COVERAGE COMPARISON Advantages and Disadvantages

XL	ACE
<p>PRO:</p> <ul style="list-style-type: none"> • <u>Blanket coverage for all pipelines associated with water distribution and supply for covered locations</u> • 3rd party bodily injury for “known conditions” • Choice of law/venue: silent • Primary and contributory 	<p>PRO:</p> <ul style="list-style-type: none"> • <u>Most competitive pricing</u> • <u>3rd party bodily injury and property damage for “known conditions”</u> • Aggregate retention • 3rd party bodily injury and property damage for asbestos and lead • 3 day deductible for business interruption • Choice of counsel
<p>CON:</p> <ul style="list-style-type: none"> • <u>No property damage for “known conditions” including products pollution</u> • \$5M sublimit on fines and penalties 	<p>CON:</p> <ul style="list-style-type: none"> • <u>Broad definition of “known conditions”</u> • <u>\$10M sublimit for products pollution</u> • Insured contracts are subject to legal approval