



**REGULAR MEETING OF THE BOARD OF DIRECTORS  
DEL PASO MANOR WATER DISTRICT**

**MINUTES**

**February 06, 2024 6:00 PM  
1817 Maryal Drive, Suite 300, Sacramento 95864**

**1. CALL TO ORDER:**

President Saunders called the meeting to order at 6:00 p.m.

**2. ROLL CALL:**

Directors Present: President Ryan Saunders, Carl Dolk, Bob Matteoli, Gwynne Pratt, and David Ross

Staff Present: General Manager Adam Coyan  
Office Manager Victoria Hoppe  
Field Supervisor Mike Jenner  
Certified Public Accountant Robert Merritt  
Assistant Legal Counsel Lauren Bernadette

A quorum of the Board was present.

**3. ADOPTION OF AGENDA:** Members may pull an item from the agenda.

Director Dolk made a motion to adopt the agenda. The motion was seconded by Director Matteoli. The agenda was adopted on a 5 Yes/0 No vote.

**4. PUBLIC COMMENTS - ITEMS NOT ON THE AGENDA** The Board of Directors welcomes participation at these meetings. Matters under the jurisdiction of the Board that are not posted on the agenda may be addressed by the public, California law prohibits the Board from acting on any matter which is not on the posted agenda, unless the members determines that it is an emergency or other situation specified in Government Code Section 54954.2. Public comments are limited to five (5) minutes per individual. Please make your comments directly to the DPMWD Chair. Comments will be accepted via teleconference and in writing.

(6:02 pm)

President Saunders called for public comment.

Trish Harrington spoke regarding Well 8, the budget, Prop218, and Well 9.

Roy Wilson spoke regarding the agenda.

Seeing no further comments, President Saunders closed public comment.

**5. CLOSED SESSION:**

1. Public Employee Performance Evaluation pursuant to Gov. Code section 54957: General Manager

President Saunders called for public comment. Seeing no one come forward, he closed the public comment.

President Saunders recessed the open session and convened the closed session at 6:07 p.m.

The open session reconvened at 6:32 p.m.

President Saunders reported the Board would consider a compensation change under Item 9.E.

**6. CONSENT CALENDAR:** All items under Consent Calendar will be considered together by one action of the Board, any Member or members of the public may request that an item be removed and considered separately.

(6:33 pm)

Request was made for Item 6.B to be discussed and considered separately.

**Item 5.A: Approval of Minutes of the January 09, 2024 Regular Meeting**

President Saunders called for public comment.

Carol Rose noted a scrivener's error.

Seeing no further comments, President Saunders closed public comment.

Director Ross made a motion to approve the Consent Calendar Item 6.A. The motion was seconded by Director Pratt. The motion was approved on a 5 Yes/0 No vote.

**Item 5.B: Approval of Warrants and Payroll**

Directors requested clarification on expenses. Staff fielded the inquiries.

President Saunders called for public comment.

Trish Harrington provided general comments regarding the agenda item.

Seeing no further comment, President Saunders closed public comment.

Director Ross made a motion to approve the Consent Calendar Item 6.B. The motion was seconded by Director Dolk. The motion was approved on a 5 Yes/0 No vote.

**7. PUBLIC HEARING:**

There were no Public Hearing items to consider.

**8. OLD BUSINESS:**

There were no Old Business items to consider.

**9. NEW BUSINESS:**

**Item 9.A: Budget to Actuals**

(6:44 pm)

Certified Public Accountant Merritt presented the staff report and fielded inquiries from the Board.

President Saunders called for public comment.

Trish Harrington provided general comments regarding the presentation.

Roy Wilson provided general comments regarding the presentation.

Seeing no further comments, President Saunders closed public comment.

**Item 9.B: Informational Update on Finance AdHoc Committee Recommendation**

(7:00 pm)

General Manager Coyan presented the staff report and fielded inquiries from the Board.

President Saunders called for public comment.

Roy Wilson provided general comments regarding the presentation.

Marcy provided general comments regarding the presentation.

Seeing no further comments, President Saunders closed public comment.

The Board requested the matter be settled no later than the new fiscal year.

**Item 9.C: Resolution No. 24-0206-01 Authorizing a Cost-of-Living Increase for all District Staff Except General Manager**

(7:16 pm)

General Manager Coyan presented the staff report and fielded inquiries from the Board.

Director Dolk and Director Matteoli expressed concern with an automatic Cost-of-Living (COLA). Discussion ensued amongst the Board regarding the automatic COLA.

President Saunders called for public comment.

Roy Wilson provided general comments regarding the presentation.

Carol Rose provided general comments regarding the presentation.

Seeing no further comments, President Saunders closed public comment.

Director Ross made a motion to approve Resolution No. 24-0206-01, as presented. The motion was seconded by Director Pratt. The motion was approved on a 3 Yes/2 No (Dolk/Matteoli) vote.

**Item 9.D: Participation in California Cooperative Liquid Assets Securities System**

(7:54 pm)

Assistant Legal Counsel Bernadette presented the staff report and fielded questions by the Board.

President Saunders called for public comment. Seeing no one come forward, he closed public comment.

Director Ross shared concerns of the District's liability with participating.

Director Dolk made a motion to approve Resolution No. 24-0206-02. The motion was seconded by Director Pratt. The motion was approved on a 4 Yes/1 No (Ross) vote.

President Saunders called a break at 8:05 pm. The meeting reconvened at 8:11 pm.

**Item 9.E: Consider Proposed First Amendment to the District's Employment Agreement with General Manager Adam Coyan to Amend Base Salary Rate**

(8:11 pm)

President Saunders presented the report and noted this item was discussed in Closed Session and the Board's recommendation was to change the District Manager's annual salary compensation to \$185,000 a year.

President Saunders called for public comment.

Trish Harrington provided general comments regarding the presentation.

Marcy provided general comments regarding the presentation.

Seeing no further comments, President Saunders closed public comment.

Director Matteoli read a salary survey into the record.

Director Ross made a motion to modify the General Manager's employment agreement to reflect a new salary of \$185,000. The motion was seconded by Director Pratt. The motion was approved on a 5 Yes/0 No vote.

**10. FIELD REPORT:** Verbal report

**Item 9.A: Field Report on Current and Upcoming Projects**  
(8:22 pm)

Field Supervisor Jenner summarized the staff report and fielded inquiries from the Board.

**11. DIRECTOR REPORT ON COMMITTEE MEETINGS:** Verbal report  
*Each Board Member will have 5 minutes to report out on all associated committees*

**Item 10.A: Director Dolk**  
American Water Works Association (AWWA)  
Association of California Water Agencies (ACWA)

**Item 10.B: Director Matteoli**  
Association of California Water Agencies (ACWA) Agriculture  
Association of California Water Agencies (ACWA) Groundwater  
Sacramento Groundwater Authority (SGA)

**Item 10.C: Director Ross**  
California Rural Water Authority (CRWA)  
California Special Districts Association (CSDA)

**Item 10.D: Director Saunders**  
Joint Powers Insurance (JPIA)

**Item 10.E: Director Pratt**  
Regional Water Authority (RWA)  
Water Forum

(8:34 pm)

Directors provided brief reports on committee meetings they attended or would attend at future meetings.

**12. GENERAL MANAGERS COMMENTS:** Verbal report

(8:47 pm)

General Manager Coyan provided an update on general District matters.

President Saunders called for public comment.

Carol Rose provided general comments regarding this agenda item.

Seeing no further comments, President Saunders closed public comment.

**13. DIRECTORS COMMENTS:** Verbal information, non-action comments.

(8:53 pm)

President Saunders officially turned in his resignation and thanked several people for their support. Directors thanked President Saunders for his service, dedication, and leadership.

Director Matteoli requested a discussion regarding website update regarding SB522 and SB88. Support was provided by all Directors.

**14. FUTURE AGENDA REQUESTS:** Directors can suggest topics they would like on future agendas  
(9:02 pm)

There were no agenda requests from the Directors.

**15. ADJOURNMENT:** Next Regular Board of Directors meeting is scheduled for March 05, 2024

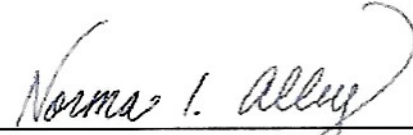
Director Ross made a motion to adjourn. Director Pratt seconded the motion. There being no further business, the Board of Directors meeting adjourned at 9:03 p.m.

APPROVAL:



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Carl Dolk, Vice President of the Board

ATTEST:



\_\_\_\_\_  
Norma I. Alley, MMC, Clerk of the Board

February 6, 2024  
Regular Board Meeting  
(Report On GSA Interactions  
(Notes: Robert J. Matteoli)

**Report of SGA Coordination**

Over the past ten (10) months, I have reviewed SB552 and requested RWA's Sustainable Groundwater Management Act expert to check my review and discuss his findings with me so I can report back to this board and our rate payers. I have not received a response from RWA, which is to track legislation for RWA and SGA members. RWA did not provide a legal review of SB552, and Del Paso Manor was unaware of SB552 when the bill went through the legislature.

The information is extensive; therefore, I am providing the General Manager a copy of my overview and review of SB552 to be included in the minutes of this meeting.

**Overview of SB552**

Attached is a copy of SB552 and a copy of my review of SB552. In addition, the following is a discussion as to understanding my review.

Legislation follows a specific format, in part:

1. Findings & Declarations
2. Purpose, and
3. Text

**Findings and Declarations:**

Findings and Declarations state the specific problems that need to be fixed through the legislative act being proposed. As an example:

- Chickens are birds.
- Chickens can be runover by a car if they cross the road.
- Chickens can be eaten by foxes and coyotes at night.

**Purpose**

Purpose states the strategic plan to resolve the specific identified problems in the Findings and Declarations. As an example:

- Chickens need to be curtailed from crossing the road, thus reducing their mortality rate.
- Chickens need to be kept in coops at night to reduce their mortality rate.

**Text**

The legislative text states the tactical response to implement the Purpose (strategic plan) to resolve the specific identified problems (Findings and Declarations). Nevertheless, many times the Text goes beyond the stated Findings and Declarations and stated Purpose of the legislation. As an example:

- Birds shall not cross the road.
- Birds shall be kept overnight in coops.
- Birds shall not perch on high voltage transmission lines.
- Birds shall not perch over park benches.

#### Overextension of Nexus

- The definition of Nexus: a connection or link between things, persons, or events especially that is or is part of a chain of causation.
- Overextension of Nexus occurs when the Text exceeds the Purpose of the legislation in resolving the specific Findings and Declarations. Extending this example to Birds, Transmission Lines, and Park Benches can possibly be considered an Overextension of Nexus. Now Overextension of Nexus can be resolved, in part, by the following:
  1. Amending the Legislation,
  2. In California running a Proposition to go on the ballot, or
  3. Judicial relief in Court.

Sadly, these remedies are well beyond the political and financial availability of individuals and small water districts such as Del Paso Manor.

#### Attachments:

1. Review of SB552
2. SB552



**Senate Bill No. 552**  
**CHAPTER 245**

An act to add Part 2.56 (commencing with Section 10609.50) to Division 6 of the Water Code,  
relating to water.

[ Approved by Governor September 23, 2021. Filed with Secretary of  
State September 23, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 552, Hertzberg. Drought planning: small water suppliers: nontransient noncommunity water systems.

Existing law declares that small water suppliers and rural communities are often not covered by established water shortage requirements, and that the state should provide guidance to improve drought planning for small water suppliers and rural communities. Existing law required the Department of Water Resources, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify, no later than January 1, 2020, small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability. To implement this directive, the department formed a stakeholder advisory group, the County Drought Advisory Group. Existing law required the department, in consultation with the state board, to propose to the Governor and the Legislature, by January 1, 2020, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided.

This bill would require small water suppliers, as defined, serving 1,000 to 2,999 service connections, inclusive, and nontransient noncommunity water systems that are schools, no later than July 1, 2023, to develop and maintain an abridged Water Shortage Contingency Plan that includes specified drought-planning elements. The bill would require a small water supplier serving fewer than 1,000 service connections to add drought planning elements to its emergency notification or response plan and submit the plan to the state board. The bill would require these water systems to report annually specified water supply condition information to the state board through the state board's Electronic Annual Reporting System or other reporting tool, as directed by the state board. The bill would require small water suppliers and nontransient noncommunity water systems that are schools to implement, subject to funding availability, specified drought resiliency measures, including, among others, having at least one backup source of water supply and metering each service connection. The bill would exempt from these provisions small water suppliers, or small water suppliers integrated into larger water systems, that voluntarily choose to instead comply with specified existing law relating to urban water management plans.

This bill would require a county to establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, as provided. The bill would authorize a county, in lieu of establishing a standing task force, to establish an alternative process that facilitates drought and water shortage preparedness for state small water systems and domestic wells within the county's

jurisdiction, as provided. The bill would provide that a county that establishes a drought task force on or before January 1, 2022, shall be deemed in compliance with these requirements as long as the task force continues to exist. The bill would require a county to develop a plan that includes potential drought and water shortage risk and proposed interim and long-term solutions, as provided. Because the bill would impose additional duties on counties, the bill would impose a state-mandated local program.

This bill would require the department to take specified actions to support implementation of the recommendations from the County Drought Advisory Group. The bill would require the department to establish a standing interagency drought and water shortage task force to, among other things, facilitate proactive planning and coordination, both for predrought planning and postdrought emergency response, which shall consist of various representatives, including representatives from local governments. Because the bill would impose additional duties on local governments, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS  
FOLLOWS:

### SECTION 1.

Part 2.56 (commencing with Section 10609.50) is added to Division 6 of the Water Code, to read:

#### **PART 2.56. Drought Planning for Small Water Suppliers, State Small Water Systems, and Domestic Well Communities**

##### **CHAPTER 1. General Provisions**

##### **10609.50.**

The Legislature finds and declares all of the following:

(a) Droughts are predicted to become more frequent, longer, and more severe as climate change progresses, putting drinking water supplies at risk of running dry or becoming contaminated.

(b) As demonstrated by the most recent drought from 2012 to 2016, inclusive, (2012–16 drought) drought conditions disproportionately impact low-income, small, and rural communities, as demonstrated by all of the following:

(1) (A) Rural communities are more likely to rely solely on groundwater from small water suppliers or domestic wells.

(B) Domestic wells tend to be shallower and are susceptible to running dry when groundwater is overpumped.

(2) (A) The 2012–16 drought negatively impacted over 480,000 people relying on drought-impacted public water systems.

(B) Seventy-six percent of impacted public water systems were small, serving 1,000 service connections or fewer and concentrated in the southern San Joaquin Valley.

(c) There are currently varying levels of water contingency planning and coverage across counties for small water suppliers and self-supplied communities, leaving hundreds of thousands of people at risk of going without water to meet their basic household and drinking water needs during the next drought.

(d) If another drought occurs that is as severe as the 2012–16 drought, more than 4,500 domestic wells in the San Joaquin Valley may be impacted. The cost to mitigate this damage could be more than one hundred fifteen million dollars (\$115,000,000).

(e) No one should go without running water during a drought. California can take basic steps to implement more proactive drought planning that would benefit the communities most at risk, and by doing so help prevent catastrophic impacts on drinking water for the communities most vulnerable to the impacts of climate change.

#### **10609.51.**

For purposes of this part, the following definitions apply:

(a) “Community water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.

(b) “County Drought Advisory Group” means the group created by the department to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55.

(c) “Department” means the Department of Water Resources.

(d) “Domestic well” has the same meaning as defined in Section 116681 of the Health and Safety Code.

(e) “Fund expenditure plan” means the fund expenditure plan established in Section 116768 of the Health and Safety Code.

(f) “Groundwater sustainability agency” has the same meaning as defined in Section 10721.

(g) “Nontransient noncommunity water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.

(h) “Public water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.

(i) “Risk vulnerability tool” means the tool created by the department to implement Chapter 10 (commencing with Section 10609.40) of Part 2.55.

(j) “Rural community” means a community with fewer than 15 service connections, or regularly serving less than 25 individuals daily at least 60 days out of the year.

(k) “Small water supplier” means a community water system serving 15 to 2,999 service connections, inclusive, and that provides less than 3,000 acre-feet of water annually.

(l) “State board” means the State Water Resources Control Board.

(m) “State small water system” has the same meaning as defined in Section 116275 of the Health and Safety Code.

### **CHAPTER 2. Small Water Suppliers and Nontransient Noncommunity Water Systems**

#### **10609.60.**

(a) No later than July 1, 2023, and updated every five years thereafter, a small water supplier serving 1,000 to 2,999 service connections, inclusive, and a nontransient noncommunity water system that is a school shall each develop and maintain, onsite, an abridged Water Shortage Contingency Plan (WSCP) that includes, at a minimum, all of the following drought-planning elements:

(1) Drought-planning contacts, including all of the following:

(A) At least one contact at the water system for water shortage planning and response and the development of the plan.

(B) Contacts for local public safety partners and potential vendors that can provide repairs or alternative water sources, including, but not limited to, local community-based organizations that work with the population in and around areas served by the water system, contractors for drilling wells, vended water suppliers, and emergency shower vendors.

(C) State and local agency contacts who should be informed when a drought or water shortage emergency is emerging or has occurred.

(D) Regional water planning groups or mutual aid networks, to the extent they exist.

(2) Triggering mechanisms and levels for action, including both of the following:

(A) Standard water shortage levels corresponding to progressive ranges based on the water supply conditions. Water shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, a fire, and other potential emergency events.

(B) Water shortage mitigation, response, customer communications, enforcement, and relief actions that align with the water shortage levels required by subparagraph (A).

(b) A small water supplier serving 1,000 to 2,999 service connections, inclusive, and a nontransient noncommunity water system that is a school shall each make the abridged Water Shortage Contingency Plan available on their individual internet websites, if any. A small water supplier serving 1,000 to 2,999 service connections, inclusive, or a nontransient noncommunity water system that is a school that does not have an internet website shall make the abridged Water Shortage Contingency Plan available to persons upon request. The abridged Water Shortage Contingency Plan shall be provided to the state board's Division of Drinking Water for inspection upon demand.

(c) A small water supplier serving fewer than 1,000 service connections shall add drought planning elements, including, but not limited to, those listed in paragraph (1) of subdivision (a) and subparagraph (A) of paragraph (2) of subdivision (a), to its emergency notification or response plan and submit the plan to the state board. The plan shall be updated every five years, or when significant changes occur.

(d) No later than December 31, 2022, the department and the state board shall create an abridged Water Shortage Contingency Plan template for small water suppliers serving 1,000 to 2,999 service connections, inclusive, and nontransient noncommunity water systems that are schools to facilitate implementation of this section.

(e) To the extent that funding is made available, the state board shall offer technical assistance to small water suppliers serving fewer than 1,000 service connections and nontransient noncommunity water systems that are schools to improve drought and water shortage resiliency, including requirements related to the emergency notification or response plan.

**10609.61.**

A small water supplier and a nontransient noncommunity water system that is a school shall each report annually water supply condition information to the state board through the state board's Electronic Annual Reporting (eAR) System or other reporting tool, as directed by the state board. Water supply condition information includes, but is not limited to, both of the following:

(a) An inventory and assessment of each water supply source, including its available status and if any further investments or treatment are required for its utilization, any lead time required for its utilization, and its delivery parameters such as flow rate and total volume available.

(b) The reporting year's total water demand volume for each month, and average and peak flowrate demand for each month and annually.

**10609.62.**

Small water suppliers and nontransient noncommunity water systems that are schools shall implement, subject to funding availability, all of the following drought resiliency measures:

(a) No later than January 1, 2023, implement monitoring systems sufficient to detect production well groundwater levels.

(b) Beginning no later than January 1, 2023, maintain membership in the California Water/Wastewater Agency Response Network (CalWARN) or similar mutual aid organization.

(c) No later than January 1, 2024, to ensure continuous operations during power failures, provide adequate backup electrical supply.

(d) No later than January 1, 2027, have at least one backup source of water supply, or a water system intertie, that meets current water quality requirements and is sufficient to meet average daily demand.

(e) No later than January 1, 2032, meter each service connection and monitor for water loss due to leakages.

(f) No later than January 1, 2032, have source system capacity, treatment system capacity if necessary, and distribution system capacity to meet fire flow requirements.

**10609.63.**

This chapter does not apply to small water suppliers, or small water suppliers integrated into larger water systems, that voluntarily choose to instead comply with Chapter 3 (commencing with Section 10620) of Part 2.6.

**CHAPTER 3. State Small Water Systems Serving 5 to 14 Service Connections, Inclusive, and Domestic Wells**

**10609.70.**

(a) (1) A county shall establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, and shall invite representatives from the state and other local governments, including groundwater sustainability agencies, and community-based organizations, local water suppliers, and local residents, to participate in the task force.

(2) In lieu of the task force required by paragraph (1), a county may establish an alternative process that facilitates drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction. The alternative process shall provide opportunities for coordinating and communicating with the state and other local governments, community-based organizations, local water suppliers, and local residents on a regular basis and during drought or water shortage emergencies.

(3) A county that establishes a drought task force on or before January 1, 2022, shall be deemed in compliance with this subdivision as long as the task force continues to exist.

(b) A county shall develop a plan that includes potential drought and water shortage risk and proposed interim and long-term solutions for state small water systems and domestic wells within the county's jurisdiction. The plan may be a stand-alone document or may be included as an element in an existing county plan, such as a local hazard mitigation plan, emergency operations plan, climate action plan, or general plan. A county shall consult with its drought task force or alternative coordinating process as established by this section in developing its plan. A county shall consider, at a minimum, all of the following in its plan:

(1) Consolidations for existing water systems and domestic wells.

(2) Domestic well drinking water mitigation programs.

(3) Provision of emergency and interim drinking water solutions.

(4) An analysis of the steps necessary to implement the plan.

(5) An analysis of local, state, and federal funding sources available to implement the plan.

(c) The state board shall work with counties, groundwater sustainability agencies, technical assistance providers, nonprofit organizations, community-based organizations, and the public to address state small water system and domestic well community drought and emergency water shortage resiliency needs, including both of the following:

(1) Proactive communication to domestic well communities before a drought occurs, such as information on local bottled water and water tank providers.

(2) Funding for installation of basic drought and emergency water shortage resiliency infrastructure, such as well monitoring devices.

**CHAPTER 4. State Agency Implementation**

**10609.80.**

(a) The department shall take both of the following actions to support implementation of the recommendations of its County Drought Advisory Group:

(1) Maintain, in partnership with the state board and other relevant state agencies, the risk vulnerability tool developed as part of the County Drought Advisory Group process and continue to

refine existing data and gather new data for the tool, including, but not limited to, data on all of the following:

- (A) Small water suppliers and nontransient noncommunity water systems serving a school.
  - (B) State small water systems and rural communities.
  - (C) Domestic wells and other self-supplied residents.
- (2) Update the risk vulnerability tool for small water suppliers and rural communities periodically, by doing all of the following:
- (A) Revise the indicators and construction of the scoring as more data becomes readily available.
  - (B) Make existing and new data publicly available on the California Open Data internet web portal.
  - (C) In consultation with other relevant state agencies, identify deficits in data quality and availability and develop recommendations to address these gaps.
- (b) (1) The department, in collaboration with the state board and relevant state agencies, shall establish a standing interagency drought and water shortage task force to facilitate proactive state planning and coordination, both for predrought planning and postdrought emergency response, to develop strategies to enhance collaboration between various fields, and to consider all types of water users.
- (2) The interagency drought and water shortage task force shall include representatives from local governments, community-based organizations, nonprofit technical assistance providers, the public, and experts in land use planning, water resiliency, and water infrastructure.

**SEC. 2.**

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

REVIEW OF SB552 BY DIRECTOR MATTEOLI

LEGISLATIVE COUNSEL'S DIGEST	BOB'S UNDERSTANDING	TREVOR'S POV
<p>"Existing law declares that small water suppliers and rural communities are often not covered by established water shortage requirements, and that the state should provide guidance to improve drought planning for small water suppliers and rural communities".</p>	<p>a. DPMWD does not have a water shortage b. Law states that the state shall provide guidance c. Guidance can be provided by a GSA Guidance Document d. Guidance should not be mandatory legislation extended to unaffected entities not included within the findings and purposes of any legislation. To do so would be punitive in action.</p>	<p>a. Pursuant to the GSA water accounting system, does DPMWD have an available water shortage? b. What section in our basin plan is our subbasin's drought planning discussed?</p>
<p>"Identify, no later than January 1, 2020, small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability".</p>	<p>a. DPMWD is not identified as a small water supplier that is at risk of drought and water shortage vulnerability. b. Trevor Joseph at GSA knows about this list.</p>	<p>a. Is DPMWD identified as a small water supplier that is at risk of drought and water shortage vulnerability? b. If so, why? c. Would Trevor at our subbasin's GSA give us this list.</p>
<p>"Develop and maintain an abridged Water Shortage Contingency Plan that includes specified drought-planning elements".</p>	<p>a. LAFCO's MSR says we are not at risk for water. b. Our GSA, pursuant to SGMA legislation, is implementing drought-planning.</p>	<p>Would Trevor identify our GSA drought-planning document for the DPMWD Board?</p>
<p>"require these water systems to report annually".</p>	<p>a. DPMWD is not one of 'these' systems. b. Extending this legislation to DPMWD is punitive. c. DPMWD is 100% riparian overlying groundwater rights. d. Monitoring should be within our GSA's basin plan, which is updated every five (5) years</p>	<p>a. DPMWD is not one of 'these' systems.</p>

REVIEW OF SB552 BY DIRECTOR MATTEOLI

LEGISLATIVE COUNSEL'S DIGEST	BOB'S UNDERSTANDING	TREVOR'S POV
<p>"subject to funding availability"</p>	<p>a. This is mandated legislation                      b. Funds have not been provided for available funding                      c. Extending this legislation to 'not at risk' systems will place an additional tax burden onto the citizens of the state.</p>	<p>a. Would our GSA help DPMWD find funding for upgrading existing wells 2, 4, and 7.</p>
<p>"This bill would exempt from these provisions small water suppliers, or small water suppliers integrated into larger water systems, that voluntarily choose to instead comply with specified existing law relating to urban water management plans."</p>	<p>a. Why does this exemption not apply to 'not at risk' systems?                      b. Why limit to 'urban water management plans' when a system like DPMWD is not at risk, has 100% overlying riparian groundwater rights, is governed by SGMA, and covered under the GSA's basin plan?</p>	<p>a. Would our GSA adopt an ordinance that defines 'not at risk' systems?</p>
<p>"This bill would authorize a county, in lieu of establishing a standing task force, to establish an alternative process that facilitates drought and water shortage preparedness."</p>	<p>a. Del Paso Manor is 100% riparian overlying ground water and governed under SGMA legislation. SGMA's GSA has process and procedures that facilitates drought and water shortage preparedness. This is mandated under SGMA legislation and in use by the GSA as an 'alternative' process.</p>	<p>Have Trevor advise DPMWD of our GSA's process that: 1) facilitates drought and water shortage preparedness, and 2) that DPMWD is included within our GSA's process.</p>
<p>"This bill would impose additional duties on local governments, the bill would impose a state-mandated program".</p>	<p>a. Del Paso Manor is 100% riparian overlying ground water and governed under SGMA legislation.                      b. SGMA's GSA has process and procedures that facilitates drought and water shortage preparedness.                      c. This is mandated under SGMA legislation and in use by the GSA as an 'alternative' process.</p>	<p>Have our GSA advise DPMWD of the legal foundation that the State can impose a state-mandated program upon a Water District that is on 100% riparian overlying groundwater.</p>



REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p><b>FINDINGS &amp; DECLARATIONS</b></p> <p><b>CHAPTER 1. General Provisions</b></p> <p><b>10609.50.(b): As demonstrated by the most recent drought from 2012 to 2016, inclusive, (2012-16 drought) drought conditions disproportionately impact low-income, small, and rural communities, as demonstrated by all of the following:</b></p>		
<p>1. Section (1)(B) Domestic wells tend to be shallower and are susceptible to running dry when groundwater is over pumped.</p>	<p>a. (1)(B) does not apply to DPNMWD.</p> <p>b. DPNMWD's wells are not domestic, they are municipal.</p> <p>c. DPNMWD's wells are not susceptible to running dry.</p> <p>d. Our North American Subbasin is not being over pumped nor will be over pumped because of the:</p> <ul style="list-style-type: none"> <li>1) Sources</li> <li>2) GSA Water Accounting System</li> <li>3) The North American Subbasin has ample conjunctive use to negate such an occurrence from ever happening.</li> </ul>	<p>Have Trevor advise DPNMWD if our wells are considered within this Finding &amp; Declaration as: 1) shallower, and 2) susceptible to running dry when groundwater is over pumped.</p>
<p>2. Section (2)(A) The 2012-16 drought negatively impacted over 48,000 people relying on drought-impacted public water systems.</p>	<p>a. Section (2)(A) does not apply to DPNMWD.</p> <p>b. DPNMWD's public water system was not negatively impacted over the 2012-16 drought</p>	

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p>2. Section (2)(A) The 2012-16 drought negatively impacted over 48,000 people relying on drought-impacted public water systems.</p>	<p>a. Section (2)(A) does not apply to DPMWD.                      b. DPMWD's public water system was not negatively impacted over the 2012-16 drought                      c. In fact, during the 2012-16 drought DPMWD voluntarily used less than its overlying riparian water right allocation as governed by SGMA's GSA's Water Accounting System.                      d. Likewise, DPMWD in fact used less than its overlying riparian water right allocation as governed by SGMA's GSA's Water Accounting System during the 2021-22 drought.                      e. Furthermore, there is no engineering opinion that DPMWD's system will become impacted due to drought.</p>	<p>Have Trevor provide DPMWD the foundational documents which support this Finding and Declaration, and 2) tell DPMWD if our Walter District has people withing the 48,000 relying on drought-impacted public water systems.</p>
<p>3. Section (2)(B) Seventy-six percent of impacted public water systems were small, serving 1,000 service connections or fewer and concentrated in the southern San Joaquin Valley.</p>	<p>a. Section (2)(B) does not apply to DPMWD.                      b. DPMWD serves over 1,000 connections                      c. DPMWD is not in southern San Joaquin Valley                      d. DPMWD was not impacted by any drought ever.                      e. DPMWD is not on the list of impacted public water systems which were used to derive the 76% figure</p>	<p>1) Have Trevor provide DPMWD the list of impacted public water systems that were the basis of this Finding &amp; Declaration, and 2) have Trevor confirm that DPMWD is not on the list of impacted public water systems which used to derive the 76% figure</p>

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p>5. Section (d) If another drought occurs that is as severe as the 2012-2016 drought, more than 4,500 domestic wells in the San Joaquin Valley may be impacted.</p>	<p>a. Section (d) does not apply to DPMWD                      b. DPMWD is not in the San Joaquin Valley nor an impacted system                      c. DPMWD does not have domestic wells.                      d. DPMWD's water supply has never been threatened by any drought, including the referenced 'next drought'.</p>	<p>Have Trevor advise DPMWD that DPMWD's water supply has never been threatened by any drought, including the referenced 'next drought' (of 2020-22)</p>
<p>6. Section (e) No one should go without running water during a drought. California can take basic steps to implement more proactive drought planning that would benefit the communities most at risk, and by doing so help prevent catastrophic impacts on drinking water for the communities most vulnerable to the impacts of climate change.</p>	<p>a. Section (e) does not apply to DPMWD.                      b. Proactive drought planning has been performed by the SGMA GSA.                      c. DPMWD is not at risk.                      d. DPMWD is not most vulnerable to the impacts of climate change.</p>	<p>Have Trevor explain to DPMWD that: 1) our GSA has been proactive in drought planning, and that 2) DPMWD is not most vulnerable to the impacts of climate change.</p>
<p>(7. In summary:)</p>	<p>a. The only risk that applies to DPMWD is the improper burden the State Water Resources Control Board is applying by forcing nonapplicable legislation upon DPMWD – legislation that they help wrote and that they know does not apply to systems like DPMWD.                      b. Likewise, our GSA did not tell DPMWD of this pending legislation nor followed through the legislative process per their obligation to DPMWD. Thus, our GSA and DPMWD did not make comment on SB552 during the legislative process.</p>	

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p><i>Section 10609.51: Definitions:</i></p>		
	<p>1. Definitions do not define "at risk" systems. "At risk" systems should be defined.</p> <p>2. Section (h) "Public water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.</p> <p>a. Health &amp; Safety Code definition: A public water s tem is defined as a system that provides water for human consumption to 15 or more connections or regularly serves 25 or more people daily for at least 60 days out of the year.</p> <p>b. DPMWD is thus a Public Water System</p> <p>c. Moreover, DPMWD is a "public agency" pursuant to GA Gov Code Section 20056: "Public agency" means any city, county, district, other local authority or public body of or within this</p>	<p>What is Trevor's understanding of a 'not at risk' system?</p>
<p><b>CHAPTER 2. Small Water Suppliers and Nontransient Noncommunity Water Systems</b></p> <p><i>Section 10609.60 (a) No later than July 1, 2023, and updated every five years thereafter, a small water supplier serving 1,000 to 2,999 service connections, inclusive, and a nontransient noncommunity water system that is a school shall each develop and maintain, onsite, an abridged Water Shortage Contingency Plan (WSCP) that includes, at a minimum, all of the following drought-planning</i></p>	<p>1. Although DPMWD does not have a water shortage nor is a 'at risk' system, the District should develop an abridged Water Shortage Contingency Plan (WSCP), which will show we have met all areas of concern, in order to be prudent and transparent.</p> <p>2. The WSCP must contain an analysis of our system pursuant to DWR's 'Risk Vulnerability Tool'.</p>	

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p><i>Section 10609.61</i></p> <p><i>1. A small water supplier and a nontransient noncommunity water system that is a school shall each report annually water supply conditions information to the state board through the state board's Electronic Annual Reporting (eAR) System (continued)</i></p> <p><i>(continued); or other reporting tool, as directed by the state Board. Water supply condition information includes, but is not limited to, both of the following:</i></p>	<p>a. DPMWD's water supply is 100% overlying riparian groundwater; and, as such, is governed under SGMA legislation (in part, SB1168) through the GSA.</p> <p>b. SB 1168, Section 1 (b)(5) To recognize and preserve the authority of cities and counties to manage groundwater pursuant to their police powers.</p> <p>c. SB 1168, SEC. 2, 113, It is the policy of the state that groundwater resources be managed sustainably for long-term reliability and multiple economic, social, and environmental benefits for current and future beneficial uses. Sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.</p> <p>1) Best achieved locally</p> <p>2) Best available science</p> <p>3) Mandating meters may not be best available science for DPMWD</p> <p>4) Economic factors must be factored into best available science</p> <p>d. SB 1168, SEC 3, Part 2.74, Chapter 1. General Provisions, 10720, Section (g) To increase groundwater storage and remove impediments to recharge.</p> <p>e. Because of the engineering and bureaucratic time constraints to determine the volume of conservation for riparian overlying groundwater in any given year, conserved riparian overlying groundwater should be allowed to be banked and transferred, at a price in three</p>	

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p>(continue:)</p>	<p>f. SB 1168, SEC 3, Part 2. 74, Chapter 1. General Provisions, 10720. Section (h) To manage groundwater basins through the actions of local governmental agencies to the greatest extent feasible, while minimizing state intervention to only when necessary to ensure local agencies manage groundwater in a sustainable manner.</p>	
<p>(continue:)</p>	<p>g. DPMWD is operating in accordance with SB 1168 through its SGMA GSA.  h. State intervention is not necessary as clearly seen in the GSA's Water Accounting System.  i. DPMWD is not a 'at risk' water system.  j. Article X, Section 2 of the California Constitution states in part: "...nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which the owner's land is riparian under reasonable methods of diversion and use, or as depriving any appropriator of water to which the appropriator is lawfully entitled."  k. SB 1168, Chapter 2, Definitions, 10721, (x) "Water Budget" means an accounting of the total groundwater surface water entering and leaving a basin including the changes in the amount of water stored. Pursuant to SGMA legislation, our GSA's Water Accounting System is used, in part, to determine the volume of water to which DPMWD is lawfully entitled.  l. SB 552 does not apply to DPMWD.</p>	

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p>(continue:)</p>	<p>m. SB 1168, 10725.4. (a) A groundwater sustainability agency may conduct an investigation for the purposes of this part, including, but not limited to, investigations for the following: (4) (b) An investigation may include surface waters and surface water rights as well as groundwater and groundwater rights</p>	<p>Ask Trevor if our GSA has conducted such an investigation and where to find such investigation.</p>
<p>(continue:)</p>	<p>n. SB 1168, 10725.8. (a) A groundwater sustainability agency may require through its groundwater sustainability plan that the use of every groundwater extraction facility within the management area of the groundwater sustainability agency be measured by a water-measuring device satisfactory to the groundwater sustainability agency.            1) Can SGA create a guidance document which lists acceptable "Leak Detection Methods".            2) Doing so could preempt SB 552's requirement for meters.</p>	<p>Discuss with Trevor about our GSA developing developing a guidance document which lists acceptable "Leak Detection Methods"</p>
<p>2. 10609.61 (a) An inventory and assessment of each water supply source, including its available status and if any further investments or treatment are required for its utilization, any lead time required for its utilization, and its delivery parameter such as flow rate and total volume available.</p>	<p>a. Can a possible action be for SGA to provide a Guidance Document which lists acceptable "Leak Detection Methods"?</p>	<p>Discuss with Trevor about our GSA developing developing a guidance document which lists acceptable "Leak Detection Methods"</p>

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p>3. 10609.61 (b) The reporting year's total water demand volume for each month, and average and peak flowrate demand for each month and annually.</p>	<p>a. Do we provide this to SGA? b. DPMWD is 'not at risk' and, therefore, should not be required to submit this information to the State Board. This information should be submitted to the GSA.</p>	
<p>10609.62 Small water suppliers and nontransient, noncommunity water systems that are school shall implement, subject to funding availability, all of the following drought resiliency measures:</p>		
<p>1. Section (a): No later than January 1, 2023, implement monitoring systems sufficient to detect production well groundwater leaks.</p>	<p>a. Have we done this?</p>	
<p>2. Section (b) Beginning no later than January 1, 2023, maintain membership in the California Water/Wastewater Agency Response Network (CalWARN) or similar mutual aid organization.</p>	<p>a. What is Cal WARN? (We are currently progressing on this. b. Does SGA satisfy this requirement by being a similar mutual aid organization? c. The interties and service agreement satisfies mutual aid.</p>	
<p>3. Section (c) No later than January 1, 2024, to ensure continuous operations during power failures, provide adequate backup electrical supply.</p>	<p>a. DPMWD is currently adding a generator to Well 9. b. This section will be satisfied once the generator is in place.</p>	



REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p>4. Section (d) No later than January 1, 2027, have at least one backup source of water supply, or a water system intertie, that meets current water quality requirements and is sufficient to meet average daily demand.</p>	<p>a. Our SSWD interties meet this requirement                      b. LAFCOs MSR states we meet this requirement</p>	
<p>5. Section (e) No later than January 1, 2032, meter each service connection and monitor for water loss due to leakages .</p>	<p>a. Overly mandated; improper extension of nexus.                      b. There are other leak detection methods                      c. State Board should provide a Guidance Document listing and explaining different methods for Leak Detection.                      d. Actually, SGA should do this Guidance Document.</p>	<p>Discuss with Trevor about having our GSA provide an Ordinance listing acceptable leak detection methods.</p>
<p>6. Section (f) No later than January 1, 2032, have source system capacity, treatment system capacity if necessary, and distribution system capacity to meet fire flow requirements.</p>	<p>a. DPMWD is 100% groundwater and does not have a surface water treatment facility.                      b. If DPMWD obtains wellhead treatment for PCE at Well 8, then this requirement will be satisfied.                      c. Implementing our 2023 218 by replacing the iron pipes will satisfy this requirement                      d. By 2032, the next 218 will add to satisfying this requirement</p>	
<p>Section 10609.63                       This chapter does not apply to small water suppliers, or shall water suppliers integrated into larger water systems, that voluntarily choose to instead comply with Chapter 3 (commencing with Section 10620) part 2.6</p>	<p>1. Chapter 3 (commencing with Section 10620) Part 2.6 is legislation that established Urban Water Management Plans.                      2. An Urban Water Management Plan would be excessive for DPMWD</p>	

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
(CONTINUED)	<p>3. DPMWD is a 'not at risk' water supplier and has no problems that Urban Water Management Plans address and/or mitigate.</p> <p>4. Nevertheless, developing a Drought Resiliency Plan, which would be specific to DPMWD, for transparency would be prudent.</p>	
<p><i>CHAPTER 3. State Small Water Systems Serving 5 to 14 Service Connections, Inclusive, and Domestic Wells</i>  <i>Section 10609.70</i></p>	<p>1. Chapter 3, Section 10609.70 does not apply to DPMWD</p> <p>2. DPMWD already has most of the issues addressed. They just need to be compiled in a focused Drought Resiliency Plan applicable to DPMWD as detailed in Chapter 2 above.</p>	
<p><i>CHAPTER 4. State agency Implementation</i>  <i>Section 10609.80</i></p>	<p>1. DPMWD is governed under SGMA and is a member of the North American Subbasin's GSA.</p> <p>2. The Implementation required under Chapter 4 is provided by our Subbasin's GSA pursuant to SGMA legislation</p> <p>3. SGMA legislation requires five (5) year updates to our GSA's basin plan</p> <p>4. Our GSA monitors and manages our groundwater basin through, in part, its Water Accounting System</p> <p>5. This Water Accounting System and Basin Plan shows that DPMWD is a 'not at risk' system</p>	

REVIEW OF SB552 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	TREVOR'S POV
<p><b>SEC. 2</b>  <i>If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school district for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.</i></p>	<p>1. Exempting 'not at risk' systems which are covered by 'alternative' programs such as required by SGMA would reduce future state mandates and lessen the liability to state taxpayers.                  2. Including 'not at risk' systems is an improper extension of the findings &amp; declarations and of the purpose which are the basis of SB552, and in so extending is punitive to 'not at risk' systems.</p>	
<p><b>SEC. 2 (CONTINUED)</b></p>	<p>3. Amending legislation is needed to:                  a. Address 'not at risk' systems, and                  b. Address systems which are governed by SGMA GSAs which provide alternative programs and procedures                  4. Less costly leak detection methods should be provided through a State Board guidance document.</p>	<p>5. Discuss with Trevor if our GSA would pass two Ordinances which would:                  a. Define "Not At Risk" systems, and                  b. List acceptable leak detection process and procedures.</p>

REVIEW OF SB88 BY DIRECTOR MATTEOLI

LEGISLATIVE COUNSEL'S DIGEST	BOB'S UNDERSTANDING	NOTES
<p><i>"Existing law requires the state board to conduct research, studies, and demonstration projects relating to the provisions of the dependable safe supply of drinking water, to adopt regulations to implement the California Safe Drinking Water Act, and to enforce provisions of the federal Safe Drinking Water Act".</i></p>		<p>INTRODUCED BY: Committee on Budget and Fiscal Review</p>
<p><i>"This bill would authorize the state board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water</i></p>	<p>a. DPMWD is a small public water system  b. DPMWD is a community but not a disadvantaged community  c. DPMWD has never failed to provide an adequate supply of safe drinking water.  d. DPMWD is served by Riparian Overlying Groundwater and has an allocation pursuant to the GSA's water accounting system.  e. DPMWD is not at risk of drought and water shortage vulnerability. Surface water users are subject to drought conditions.  f. A merger with SSWD would make DPMWD at risk of drought and water shortage vulnerability with SSWD taking DPMWD's water for their</p>	<p>Currently, DPMWD is not a at rist system subject tp drought because DPMWD is served completely by groundwater.  As such, DMPWD does not required to conserve surface water but is required not to use water beyond its GSA's allocation.  However, if DPMWD were to merge with SSWD, then DPMWD would be subject to drought regulations and conservation regulations.</p>
<p><i>"This bill would authorize the state board to order the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation.</i></p>	<p>a. The state board did not order an extension of service.  b. The Grand Jury and LAFCO has stated that DPMWD will meet the final Grand Jury's requirements with the passage of a rate increase to cover the needs of the community.  c. An extension of service was voluntarily established with interties &amp; service agreement.</p>	<p>The State Board has not initiated any process/procedure towards consolidation.</p>

LEGISLATIVE COUNSEL'S DIGEST (Continued)	BOB'S UNDERSTANDING	NOTES
<p>Section (3) "The California constitution declares that the general welfare of the state requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the right to the use of water does not extend to the waste or unreasonable use, method of use, or method of diversion of water.</p>	<p>a. Section (3) deals with appropriated surface water.                      b. Extending this section to DPMWD is punitive.                      c. DPMWD is 100% riparian overlying groundwater rights.                      d. Riparian Overlying Groundwater is not governed under a permit, license, certificate, or registrar.                      d. Extending this section to DPMWD would be punitive, constitute an trespass, and establish a foundation to evoke a taking.</p>	<p>(Section (3) Continued) Existing law states the intent of the Legislature that the state take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water. <u>ALSO</u>, excessive delta outflow violates SB88 and the Public Trust Doctrine. Those excessive outflows could be appropriated. <u>FURTHERMORE</u>, excessive outflows only benefit Delta Agriculture. Other Beneficial Uses could be managed against degradation.</p>
<p>Section (4) deals with "diverts water under a registration, permit, or license".                      Section (5) deals with "diverts water"</p>	<p>a. These issues attach to surface water appropriations and not riparian overlying groundwater.</p>	
<p>Section (6) deals with conservation pursuant to appropriate surface water rights. And the Water Rights Fund.</p>	<p>a. SGMA &amp; the legislative bodies established as GSAs regulate groundwater.                      b. The Water Rights Fund does not receive money/funds from riparian overlying groundwater rights issues.</p>	<p>DPMWD does not use appropriate surface water. Therefore, this section does not apply to DPMWD.</p>
<p>Section (7) Existing law authorizes any public entity, as defined, that supplies water at retail or wholesale for the benefit of person within the service area or area of jurisdiction of the public entity to, by ordinance or resolution, adopt and enforce a water conservation program to reduce the quantity of water used for the purpose of conserving the water supplies of the Public Entity.</p>	<p>This applies to surface waters that are associated with Appropriations. As for conserved Riparian Overlying Groundwater, who own the conserved water? The conserved water supply of the Public. If we cannot conserve for later use, then use the full allocation, pursuant to the GSA's groundwater accounting system, then the ratepayers should have the right to full use of the annual allocation each year.</p>	<p>Riparian Overlying Groundwater is a "property" attached to the land. Can Conservation Rules take property without a condemnation process?</p>

REVIEW OF SB88 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	NOTES
<b>FINDINGS &amp; DECLARATIONS: SECTION 1.</b>		
116680 (a) It is the policy of the state to encourage orderly growth and development.....in promoting orderly development.	<p>a. DPMWD is fully grown out.</p> <p>b. Riparian Overlying Ground Water belongs to the land.</p> <p>c. To merge and use DPMWD's Riparian Overlying Ground Water for someone elses growth &amp; development would constitute a 'trespass' by the merger and then a 'taking' by diverted use.</p>	Del Paso Manor Rate Payers should not be obligated or forced to have their riparian overlying groundwater taken for development outside the Del Paso Manor District.
116680 (b) The powers set forth in Section 116682 for consolidation of water systems are consistent with the intent of promoting orderly growth.	<p>a. DPMWD is fully grown out.</p> <p>b. Riparian Overlying Ground Water belongs to the land.</p> <p>c. To merge and use DPMWD's Riparian Overlying Ground Water for someone elses growth &amp; development would constitute a 'trespass' by the merger and then a 'taking' by diverted use. d. Does LAFCO have the authority in the name of 'promoting orderly growth' to constitute a trespass and a taking of DPMWD's ratepayers Riparian Overlying Groundwater Rights.</p>	
BILL TEXT	BOB'S UNDERSTANDING	NOTES
SECTION 2.		
116681.(a) "Adequate supply" means sufficient water to meet residents' health and safety needs.	DPMWD has an "Adequate supply" of water to meet residents' health and safety needs.	
116681.(b) "Affected residence" means a residence reliant on a water supply that is either inadequate or unsafe"	<p>a. DPMWD's water supply is adequate and safe.</p> <p>b. Off line wells which contain Constituents of Concerns and do not serve residents is commonplace and not restricted to DPMWD.</p>	

REVIEW OF SB88 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	NOTES
SECTION 2. (Continued)		
116681.(c) "Consistently fails" means a failure to provide an adequate supply of safe drinking water."	<p>a. DPMWD does not and has not consistently failed to provide an adequate supply of safe drinking water.</p> <p>a. The voluntary agreed upon interties satisfies 'any physical infrastructure'.</p> <p>b. The voluntary DPMWD-SSWD mutual aid agreement also satisfies this definition.</p>	The interties do not force DPMWD to merge with SSWD. In fact, SSWD has interties with Rio Linda Water District, and they did not merge.
116681.(g) "Extension of service: means the provision of service through any physical or operational infrastructure arrangement other than consolidation.	<p>Although DPMWD has Constituents of Concern in Wells 3 &amp; 8, DPMWD's system provides safe drinking water. This fact has been confirmed by the Grand Jury and by LAFCO.</p>	
116681.(i) "Safe drinking water" means water that meets all primary and secondary drinking water standards.		
116682.(a) Where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, the State Water Resources Control Board may order consolidation with a receiving water system as provided in this section and Section 116684.	<p>a. DPMWD has not consistently failed to provide an adequate supply of safe drinking water.</p> <p>b The state board has not ordered a consolidation of DPMWD with SSWD.</p> <p>c. "Combination" is a buzz word for a larger water district to take over a smaller water district that has not been ordered to consolidate.</p> <p>d. LAFCO can use the term 'Combination' for orderly growth &amp; development.</p> <p>e. For LAFCO to do so in the case of DPMWD would constitute a trespass to establish grounds for SSWD to take DPMWD rate payers real property rights as applied to Riparian Overlying Groundwater Rights.</p> <p>f. DPMWD is fully built out and its rate payers are entitled to use and enjoy their property rights.</p>	Del Paso Manor is not a disadvantaged community. Therefore, there is no foundational argument to force DPMWD to merge with SSWD.

REVIEW OF SB88 BY DIRECTOR MATTEOLI

BILL TEXT	BOB'S UNDERSTANDING	NOTES
<p>SECTION 2. (Continued)</p> <p>116682. (b) Prior to ordering consolidation or extension of service as provided in this section, the State Water Resources Control Board shall do all of the following: (1) Encourage voluntary consolidation or extension of service...</p>	<p>a. DPMWD &amp; SSWD have already reached a voluntary extension of service in the forms of: 1) Interties, and 2) Service Agreement</p>	
<p>116682. (d) Prior to ordering consolidation or extension of service, the State Water Resources Control Board shall find all of the following:... (2) All reasonable efforts to negotiate consolidation or extension of service were made.</p>	<p>DPMWD has negotiated with SSWD for extension of service and have established 1) interties, and 2) a mutual aid agreement.</p>	
<p>21080.08. (a) This division does not apply to a project that satisfies both of the following: (1) The project is approved or carried out by a public agency for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on January 17, 2014,...</p>	<p>DPMWD is not affected by drought conditions. For our North American Sub-Basin: 1) State of Emergencies as referenced cannot take private property, and 2) the basin is managed by our GSA to remain sustainable over fluctuating years.</p>	