



Helendale Community Services District

BOARD OF DIRECTORS MEETING
March 7, 2019 at 6:30 PM
26540 Vista Road, Suite C, Helendale, CA 92342

Call to Order - Pledge of Allegiance

1. Approval of Agenda

2. **Public Participation** - *Anyone wishing to address any matter pertaining to District business listed on the agenda or not, may do so at this time. However, the Board of Directors may not take action on items that are not on the agenda. The public comment period may be limited to three (3) minutes per person. Any member may speak on any agenda item at the time the agenda item is discussed by the Board of Directors.*

3. Consent Items

- Approval of Minutes: February 21, Regular Board Meeting
- Bills Paid and Presented for Approval

4. Reports

- Directors' Reports
- General Manager's Report

New Business

- Discussion and Possible Action Regarding Request from Burrtec for a Consumer Price index (CPI) Based Increase for Solid Waste Services and Other Related Fees
- Discussion and Possible Action Regarding Approval of Agreement for Levy and Collection of Refuse Disposal Land Use Fees for New Development
- Discussion Only Regarding Review of Capital Improvement Plan
- Discussion and Possible Action Regarding Draft Watermaster Recommendation

Other Business

- Requested items for next or future agendas (Directors and Staff only)

Closed Session

- Conference with Labor Negotiator
(Government Code Section 54957.6)
District Designated Representative: Steven M. Kennedy, General Counsel
Unrepresented Employee: General Manager

- Announcement of Closed Session Actions

- Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above agenda public meeting should be directed to the District's General Manager's office at (760) 951-0006 at least 24 hours prior to said meeting. The regular session of the Board meeting will be recorded. Recordings of the Board meetings are kept for the Clerk of the Board's convenience. These recordings are not the official minutes of the Board meetings.

Providing:

- Water
- Wastewater
- Park & Recreation
- Solid Waste Management
- Street lighting
- Graffiti Abatement for the Helendale Community

OFFICE HOURS:

Monday-Friday
8:00 – 5:30 p.m.

PHONE:

760-951-0006

FAX:

760-951-0046

ADDRESS:

26540 Vista Road
Suite B
Helendale, CA
92342

MAILING

ADDRESS:
PO BOX 359
Helendale, CA
92342

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at:
www.helendalecsd.org





Helendale Community Services District

Date: March 7, 2019
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Sharon Kreinop / Cheryl Vermette
SUBJECT: Agenda item #3
Consent Items

CONSENT ITEMS

- a. Approval of Minutes: January 17 Regular Board Meeting and January 31 Special Board meeting
- b. Bills Paid and Presented for Approval



Minutes of the Helendale Community Services District
SPECIAL BOARD OF DIRECTORS MEETING FOR
February 21, 2019 at 6:30 PM
26540 Vista Road, Suite C. Helendale, CA 92342

Board Members Present:

Ron Clark - President; Tim Smith - Vice President; Sandy Haas, Secretary; Craig Schneider - Director; Henry Spiller – Director

Staff Members Present:

Kimberly Cox, General Manager
Cheryl Vermette, Program Coordinator
Alex Aviles, Wastewater Treatment Plant Manager
Craig Carlson, Water Operations Manager
Shavon Aviles, Senior Customer Service Representative
Andrea Chavis, Senior Customer Service Representative
Sharon Kreinop, Senior Account Specialist

Consultants:

Steve Kennedy, Legal Counsel

Members of the Public:

There were two (2) members of the public present.

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 by President Ron Clark, after which the Pledge of Allegiance was recited.

1. Approval of Agenda

Action: A motion was made by Director Schneider to approve the agenda as presented. The motion was seconded by Secretary Haas.

Vote: Motion carried by the following vote: 5 Yes – 0 No

2. Public Participation

None

3. Consent Items

- a. Approval of Minutes: February 7, 2019 Regular Board Meeting a
- b. Bills Paid and Presented for Approval

Action: A motion was made by Vice President Smith to approve the consent items as presented. The motion was seconded by Director Spiller.

Motion carried by the following vote: 5 Yes – 0 No

4. Reports

- a. Directors' Reports

Director Schneider attended Mojave Water Agency's High Desert Water Summit.

Director Spiller reported that residents are asking him about the manholes that need to be raised stating their cars are being damaged.

President Clark stated that several people have brought up the manholes to him as well.

Staff responded that they will have an update on the manholes at an upcoming board meeting.

b. General Manager's Report

GM Cox presented the financial report: The District has \$5,363,519 total cash; \$1,122,132 in the water fund, \$3,744,243 in the wastewater fund, \$302,320 in the Solid Waste Fund, and \$6,550 in the Park Fund. The total deposits for January were \$425,665.45 and expenses were at \$730,033.91.

Water Operations Manager Carlson gave the water report. Staff completed the monthly well site inspections, well sounding and coliform report. Staff also began fabricating chlorine tank stands for flooded suction design. Staff has been going through inventory of parts and materials to update the inventory list. Replaced two broken a-stops on Fairway Courts and assisted Wastewater staff with a confined space entry at the Smithson lift station.

GM Cox gave the administration update. There were 36 account transfers for the month of January. A map of the account transfers for January was shown and a graph of an annual comparison of monthly account transfers was presented. A graph of how customers make their payments was presented, 32% of customers still make their payments in person, 21% are enrolled in ACH, 16% use Bill Pay, 15% pay on the CSD website, 13% mail in their payments, and 3% pay by phone. A graph of the Thrift Store sales was shown, for the month of January sales were at \$24,162.07. Customer Service staff has completed over 30 hours of Customer Service and safety training over the past year.

New Business

5. Discussion and Possible Action Regarding Modifications to the Facility Use Agreement

Discussion: General Manager Cox went over each of the changes made to the facility use agreement. The Board would like to see a quarterly report on room rental revenue as well as the number of events held. The Board also wanted to add that parties cannot exceed the capacity of the building to the agreement.

Public Comment: Resident Doug Bell commented on the agreement and asked about the events under "Exhibit A" and gave several examples of groups that were not included on the list in "Exhibit A".

Action: Director Haas made the motion to adopt revisions to the Facility Use Agreement. Director Spiller seconded the motion.

Vote: The motion was approved by the following roll call vote: 5 – Yes 0 – No

Director Schneider: Yes; Director Haas: Yes; President Clark: Yes; Vice President Smith: Yes; Director Spiller: Yes

6. Discussion Only Regarding Wrap up on LWCF Grant Projects and Submittal of Reimbursement Request

Discussion: Program Coordinator Vermette presented this item to the Board. The LWCF grant project began in 2017 and included adding baseball fields to the park, barbeques, shelters, volleyball courts, fitness circuit, additional playground features, pathways, and small picnic areas. The District has spent \$453,406.41 on the projects. We will receive a \$29,270.39 credit on employee costs, \$12,357.94 credit on volunteer hours and a \$5,652.69 credit on equipment cost. The District has also received several small grants to help out with the projects. After all grant reimbursements the Districts total costs will be \$296,806.41 plus employee expenses.

7. Discussion and Possible Action Regarding Use of the Four Plex for Additional Park Space
Discussion: This item was requested to be placed on the agenda. The 4-plex is located at the park property and consists of 4 – 600 sq. ft properties with gas heating and swamp coolers. The District currently has all units rented. There are three tenants on a month to month lease and one with 4 months left on contract then it will go to a month to month lease. The Board discussed the feasibility of converting the 4-plex from a multi-family dwelling into a recreation facility with an area for a senior center, classrooms, etc... The Board requested more information regarding the costs of utilities and maintenance on the units as well as the dimensions of the building. They would also like an idea of what the cost would be to convert the building. Staff will bring more information to the Board at the second meeting in March.

8. Discussion and Possible Action Regarding Emergency Repairs for Smithson Lift Station
Wastewater Operations Manger Aviles presented the report. Smithson lift station pump #3 had a noticeable loss in efficiency. Staff made a confined space entry to de-rag the pump. Upon cleaning the check valve, it was noticed that there was a pump issue. The pump will be inspected Friday to determine a course of action. this station has 3 pumps, two pumps are still in service but repairs will be necessary to restore pump 3. Staff has located a company that can pull and repair/replace the pumps. Flo Services was on site today to inspect all three pumps. They were able to free up pump #1 and it is back in service. They identified an amperage issue with all three motors. We will need three new motors due to the friction loss from the added 90's in the force main project. Staff is requesting the approval of up to \$60,000 for emergency repairs for two lift station pumps.
Action: Director Schneider made the motion to approve an amount not to exceed \$60,000 for emergency repairs for two lift station pumps. Director Smith seconded the motion.
Vote: The motion was approved by the following roll call vote: 5 – Yes 0 – No
Director Schneider: Yes; Director Haas: Yes; President Clark: Yes; Vice President Smith: Yes; Director Spiller: Yes

Other Business

9. Requested items for next or future agendas (Directors and Staff only)

President Clark called for a brief recess at 7:49 pm after which Closed Session began.

Closed Session

President Clark called the Closed Session to order 8:00 pm.

9. Conference with Labor Negotiator
(Government Code Section 54957.6)
District Designated Representative: Steven M. Kennedy, General Counsel
Unrepresented Employee: General Manager

10. **Announcement of Closed Session Actions**
President Clark called to order the Open Session of the Board meeting at 8:59 pm and Legal Counsel announced there was no reportable action resulting from closed session items.

11. **Adjournment**
Action: President Ron Clark adjourned the meeting at 8:59 pm

Submitted by:

Approved By:

Ron Clark, President

Sandy Haas, Secretary

The Board actions represent decisions of the Helendale Community Services District Board of Directors. A digital voice recording and copy of the PowerPoint presentation are available upon request at the Helendale CSD office.



Helendale Community Services District

Date: March 7, 2019
TO: Board of Directors
FROM: Kimberly Cox, General Manager
BY: Sharon Kreinop, Senior Account Specialist
SUBJECT: Agenda item # 3 b.
Consent Item: Bills Paid and Presented for Approval

STAFF RECOMMENDATION:

Report Only. Receive and File

STAFF REPORT:

Staff issued 46 checks and 14 EFT's totaling \$131,535.87

Total cash available:	<u>3/4/19</u>	<u>2/14/19</u>
Cash	\$ 5,536,390.21	\$ 5,433,278.08
Checks/EFT's Issued	\$ 131,535.87	\$ 126,880.23

Investment Report

The Investment Report shows the status of invested District funds. The current interest rate is 2.58% for CalTRUST Short-Term and 2.63% for Medium-Term Investments, 2.36% for LAIF, and 0.25% for the CBB Sweep Account for Feb 2019. Interest earned in Feb 2019 on the CalTrust investments and the CBB Sweep Account is \$8,237.85



Helendale CSD

Bills Paid and Presented for Approval

Transaction Detail

Issued Date Range: 02/14/2019 - 03/04/2019

Cleared Date Range: -

Issued Date	Number	Description	Amount	Type	Module
Bank Account: 251229590 - CBB Checking					
02/14/2019	21580	DOUGLAS A. GREENWOOD	-61.16	Check	Utility Billing
02/15/2019	EFT0002682	To record payroll fee payment	-185.99	EFT	General Ledger
02/15/2019	EFT0000034	to record transf funds from DCB to CBB	85,000.00	EFT Reversal	General Ledger
02/15/2019	EFT0000034	to record transf funds from DCB to CBB	-85,000.00	EFT	General Ledger
02/19/2019	21581	Cardmember Service	-3,199.73	Check	Accounts Payable
02/19/2019	21582	C-Me Promotions & Embroidery, Inc	-324.11	Check	Accounts Payable
02/19/2019	21583	Geo-Monitor, Inc.	-214.50	Check	Accounts Payable
02/19/2019	21584	Home Depot Credit Services	-852.15	Check	Accounts Payable
02/19/2019	21585	I Candy Website & Graphic Design	-68.75	Check	Accounts Payable
02/19/2019	21586	Infosend	-1,886.12	Check	Accounts Payable
02/19/2019	21587	SWRCB, DWOCB	-90.00	Check	Accounts Payable
02/19/2019	21588	Top Notch Networking, LLC	-813.98	Check	Accounts Payable
02/19/2019	21589	Uline	-307.69	Check	Accounts Payable
02/19/2019	21590	MARK ANDERSON	-200.00	Check	Utility Billing
02/19/2019	EFT0002670	To record CalPERS Pmt Classic PP 1/7/19 - 1/20/19	-5,378.58	EFT	General Ledger
02/19/2019	EFT0002671	To record CalPERS Pmt PEPPA PP 1/7/19 - 1/20/19	-944.24	EFT	General Ledger
02/19/2019	EFT0002672	To record CalPERS Pmt 457 Contribution PP 1/7/19 -	-575.00	EFT	General Ledger
02/21/2019	21591	ASBCSD	-35.00	Check	Accounts Payable
02/21/2019	21592	Auditor Cotroller/Treasurer/Tax Collector	-26.00	Check	Accounts Payable
02/21/2019	21593	Burrtec Waste Industries, Inc.	-49,662.94	Check	Accounts Payable
02/21/2019	21594	County of San Bernardino, Solid Waste Mgmt. Div.	-668.35	Check	Accounts Payable
02/21/2019	21595	Extreme Sports Imaging	-261.84	Check	Accounts Payable
02/21/2019	21596	Frontier Communications	-54.28	Check	Accounts Payable
02/21/2019	21597	Frontier Communications	-59.80	Check	Accounts Payable
02/21/2019	21598	Janis Hilke	-200.00	Check	Accounts Payable
02/21/2019	21599	Mike Radford	-200.00	Check	Accounts Payable
02/21/2019	21600	Official Payments Corp	-58.30	Check	Accounts Payable
02/21/2019	21601	Rebecca Gonzalez	-330.00	Check	Accounts Payable
02/21/2019	21602	Silver Lakes Association	-25.00	Check	Accounts Payable
02/21/2019	21603	UIA Ultimate Internet Access, Inc	-693.92	Check	Accounts Payable
02/21/2019	21604	United Site Services	-183.47	Check	Accounts Payable
02/21/2019	21605	Verizon Wireless	-96.90	Check	Accounts Payable
02/21/2019	21606	Verizon Wireless	-745.72	Check	Accounts Payable
02/21/2019	21607	Southern California Edison	-1,515.21	Check	Accounts Payable
02/21/2019	21608	Global Equipment Company, Inc	-1,189.03	Check	Accounts Payable
02/21/2019	21609	Rogers, Anderson, Malody & Scott	-3,690.00	Check	Accounts Payable
02/21/2019	EFT0002675	To record Tasc Flex Claim Pmt	-559.59	EFT	General Ledger
02/22/2019	EFT0002673	To post Payroll pmt - Dir Deposit	-33,285.39	EFT	General Ledger
02/22/2019	EFT0002674	To post Payroll pmt - PR Tax Pmt	-8,017.66	EFT	General Ledger
02/25/2019	EFT0002681	To record Bank Account Analysis Fees	-564.32	EFT	General Ledger
02/27/2019	21610	Southern California Edison	-1,382.53	Check	Accounts Payable
02/27/2019	21611	Southwest Gas Company	-2,128.05	Check	Accounts Payable
02/27/2019	21612	Bank of America	-3,805.72	Check	Accounts Payable
02/27/2019	21613	Desert Community Bank	-100.00	Check	Accounts Payable
02/27/2019	21614	Frontier Communications	-78.94	Check	Accounts Payable
02/27/2019	21615	Harbor Freight Tools	-8.56	Check	Accounts Payable
02/27/2019	21616	Hartford Life	-595.73	Check	Accounts Payable
02/27/2019	21617	HDMWA	-80.00	Check	Accounts Payable
02/27/2019	21618	Henry Spiller	-750.00	Check	Accounts Payable
02/27/2019	21619	Sandy Haas	-768.06	Check	Accounts Payable
02/27/2019	21620	Shred-it USA LLC	-76.71	Check	Accounts Payable
02/27/2019	21621	Staples Office Supplies	-724.62	Check	Accounts Payable

Bank Transaction Report

Issued Date Range: -

Issued Date	Number	Description	Amount	Type	Module
02/27/2019	21622	Tim Smith	-815.42	Check	Accounts Payable
02/27/2019	21623	Uline	-70.82	Check	Accounts Payable
02/27/2019	21624	United Site Services	-128.89	Check	Accounts Payable
02/27/2019	21625	Craig Schneider	-864.88	Check	Accounts Payable
03/01/2019	EFT0002683	To record EVO Thrift Store CC Fees 23099	-292.83	EFT	General Ledger
03/01/2019	EFT0002684	To record EVO Rec Desk CC Fees 22567	-90.26	EFT	General Ledger
03/01/2019	EFT0002685	To record payroll fee payment	-181.52	EFT	General Ledger
03/04/2019	EFT0002686	To record ETS Fees - #9691	-347.63	EFT	General Ledger
03/04/2019	EFT0002687	To record ETS Fees - #9692	-944.22	EFT	General Ledger
03/04/2019	EFT0002688	To record ETS Fees - #557	-75.76	EFT	General Ledger
Bank Account 251229590 Total: (62)			-131,535.87		
Report Total: (62)			-131,535.87		

Bank Transaction Report

Bank Account	Count	Amount
251229590 CBB Checking	62	-131,535.87
Report Total:	62	-131,535.87

Cash Account	Count	Amount
99 99-111000 Cash in CBB - Checking	62	-131,535.87
Report Total:	62	-131,535.87

Transaction Type	Count	Amount
Check	46	-80,092.88
EFT	15	-136,442.99
EFT Reversal	1	85,000.00
Report Total:	62	-131,535.87



Helendale Community Services District

Date: March 7 2019
 TO: Board of Directors
 FROM: Kimberly Cox, General Manager
 SUBJECT: Agenda item #5
 Discussion and Possible Action Regarding Request for Burrtec for a Consumer Price Index (CPI) Based Increase for Solid Waste Services and Other Related Fees

STAFF RECOMMENDATION:

Per the contract with Burrtec the District is to accept the request and provide further direction to Staff to proceed with the necessary legal process according to Proposition 218.

STAFF REPORT:

Section 10.05 of the contract outlines the annual formula-based compensation adjustment as follows:

“ The maximum rates set forth in Attachment D, Residential Bin and commercial Services may be adjusted annually effective each July 1st by an amount equal to the calendar year annual twelve-month mean average change in the Consumer Price Index for All Urban Consumers for Los Angeles-Riverside-Orange Counties as published by the United States Department of Labor, Bureau of Labor Statistics for the previous calendar year annual twelve-month period (“CPI”). ...It is understood by both parties that the maximum annual CPI increase shall be no greater than four percent (4%) in any given adjustment period.”

The request is to be submitted each year no later than April 1 to allow time for the public noticing process to occur.

Attached for the Board’s information is the letter requesting the CPI increase and all related attachments. The noted CPI is 3.81% which is below the maximum increase allowed by the contract of 4%. The CPI increase and related adjustments results in an increase of \$1.06 over last year’s rates. The breakdown is as follows:

Current	Proposed	Difference
15.41	16	0.59
0.89	1.18	0.29
2.21	2.29	0.08
0.07	0.07	0
2.06	2.16	0.1

1.06 Total

Upon Board direction, Staff will prepare public notices and schedule the public hearings regarding this matter.

At the mid-year budget review it was discussed that this fund is currently presenting in the negative. The adopted budget for FY19 included a contribution of \$20,000 from the Board's discretionary revenue to help balance this fund and an understanding that the same amount would be used from the fund's reserve balance by year end to balance the fund. Attached for information is the mid-year budget information

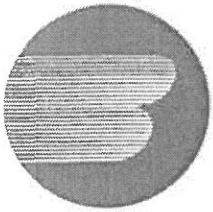
There are additional options that the Board can consider in an effort to help cure the structural deficit in this account.

1. Cut costs in the account.
2. Make curbside trash mandatory for all residences in Helendale.
3. Increase the admin fee to help offset the deficit.

FISCAL IMPACT: None.

REQUESTED ACTION: Provide direction to staff regarding solid water rate increase.

Attachments: Burrtec letter and rater increase information
Mid-year budget update for Solid Waste Fund.



BURRTEC

WASTE INDUSTRIES, INC.

"We'll Take Care Of It"

March 1, 2019

Kimberly Cox
Helendale Community Services District
26540 Vista Rd, Suite B
P.O. Box 359
Helendale, CA 92342

RE: 2019 Rate Review Report

Dear Ms. Cox:

Pursuant to the Agreement for Solid Waste Handling and Recycling Services, Burrtec respectfully requests a 2019 rate adjustment and submits the following rate review information.

This year's rate adjustment is comprised of the following factors:

- A trash collection service adjustment based on the average 2018 Consumer Price Index at 3.81%.
- Estimating no change in the per ton disposal fee as charged by San Bernardino County.
- A residential recycling service cost factor based on 2018 recyclable commodity values and material processing costs of \$1.18 per month.
- Introducing a compliance fee component to address new compliance and reporting requirements.

Enclosed please find the detailed rate review work sheets.

Thank you for the consideration.

Sincerely,

Richard Niño
Vice President

EXHIBIT A
HELENDALE CSD PROPOSED RATE INCREASE

Service Type		Current Rate	Proposed Rate	Service Type		Current Rate	Proposed Rate
<u>Residential Service</u>				<u>Commercial Trash Service</u>			
95-gallon barrel w/paid disposal costs		\$ 20.64	\$ 21.70	Size	Freq		
95-gallon barrel w/o paid disposal costs		\$ 27.90	\$ 28.96	1.5	1	\$84.12	\$87.75
Extra 95-gallon trash barrel		\$ 7.62	\$ 7.91	1.5	2	\$159.57	\$166.48
65/95-gallon recy. 1st extra		N/C	N/C	1.5	3	\$235.06	\$245.28
65/95-gallon recy. extra		\$ 1.50	\$ 1.56	2	1	\$109.24	\$113.96
Extra pick-up on non-service day (barrels)		\$ 22.66	\$ 23.52	2	2	\$209.88	\$219.00
Extra pick-up on service day (barrels)			\$ 7.91	2	3	\$310.52	\$324.02
<u>Commercial Barrel Service</u>				3	1	\$150.97	\$157.56
95-gallon barrel -1x		\$ 17.21	\$ 18.14	3	2	\$301.88	\$315.06
95-gallon barrel -2x		\$ 43.70	\$ 45.40	3	3	\$452.89	\$472.66
95-gallon barrel -3x		\$ 64.49	\$ 66.75	3	4	\$603.83	\$630.19
Automated Recy 65g - 1x		\$ 7.27	\$ 7.80	3	5	\$754.76	\$787.70
<u>Residential Bin Service</u>				3	6	\$905.72	\$945.26
Size	Freq			<u>Recycling Bin Service</u>			
1.5	1	\$66.66	\$69.20	1.5	1	\$70.91	\$79.19
1.5	2	\$133.29	\$138.37	1.5	2	\$141.79	\$158.35
1.5	3	\$199.93	\$207.56	1.5	3	\$212.68	\$237.53
2	1	\$85.97	\$89.24	2	1	\$91.64	\$102.56
2	2	\$171.93	\$178.49	2	2	\$183.27	\$205.13
2	3	\$257.89	\$267.71	2	3	\$274.90	\$307.67
3	1	\$116.07	\$120.49	3	1	\$124.57	\$140.46
3	2	\$232.13	\$240.98	3	2	\$249.13	\$280.92
3	3	\$348.21	\$361.48	3	3	\$373.71	\$421.39
<u>Permanent (Trash) + Disposal/Processing</u>				3	4	\$498.28	\$561.85
40 yard		\$200.13	\$210.81	3	5	\$622.83	\$702.29
20 yard		\$200.13	\$210.81	3	6	\$747.41	\$842.76
10 yard		\$200.13	\$210.81	<u>Temporary Bins</u>			
40 yard compactor		\$200.13	\$210.81	Temporary Bins		\$108.26	\$112.38
Dry Run /Relocate		\$72.01	\$74.76	<u>Miscellaneous Bin Charges</u>			
Rental Fee (per day)		\$24.37	\$25.30	Locking container	\$ 7.62	\$ 7.91	
Disposal (per ton)		\$59.94	\$59.94	Container steam clean	\$ 37.72	\$ 39.16	
<u>Temporary Roll-Offs (Trash)</u>				Pull-out service	\$ 37.72	\$ 39.16	
40 yard		\$559.77	\$570.45	Extra pick-up	\$ 45.34	\$ 47.07	
20 yard		\$799.53	\$810.21	Recy contamination bins	\$ 44.19	\$ 45.88	
10 yard		\$799.53	\$810.21	Recy contamination barrels		\$ 34.77	
Dry Run /Relocate		\$72.01	\$74.76	<u>Concrete Washout</u>			
Disposal (per ton)		\$59.94	\$59.94	Delivery	\$526.10	\$546.14	
<u>Roll-Offs (Recycling) + Disposal/Processing</u>				Pump	\$387.66	\$402.42	
40 yard		\$200.13	\$207.76	Pump Service	\$526.10	\$546.14	
20 yard		\$200.13	\$207.76	Relocate	\$132.91	\$137.98	
10 yard		\$200.13	\$207.76	Rental Fee (per day)	\$11.07	\$11.49	
40 yard compactor		\$200.13	\$207.76				
40 yard g/w		\$250.99	\$260.56				

Helendale CSD
 Rate Components
 Residential Service
 Admin Fee & 218 Adjustment

Service Level	Current Components - July 2018					Proposed Components - July 2019							
	2017 CPI 2.79%	Trash Service	Recycling Service	Admin Fee (incl CPI)	218 Recovery	10% Fran. Fee	Total	2018 CPI 3.81%	Trash Service	Recycling Service	Admin Fee (incl CPI)	218 Recovery	10% Fran. Fee
95 gallon (and recy)	15.41	0.89	2.21	0.07	2.08	\$ 20.64	16.00	1.18	2.29	0.07	2.16	\$ 21.70	
95 gallon trash extra	6.86	-	-	0.76	No Charge	\$ 7.62	7.12	-	-	0.79	No Charge	\$ 7.91	
65/95 gallon recy. 1st extra	1.35	-	-	0.15	\$ 1.50	No Charge	1.40	-	-	0.16	No Charge	\$ 1.56	

Helendale CSD
 Rate Components
 Residential Service with ESFR Disposal
 Admin Fee & 218 Adjustment

Service Level	Current Components - July 2018							Proposed Components - July 2019							
	2017 CPI 2.79%	Trash Service	Recycling Service	ESFR Disposal	Admin Fee (incl CPI)	218 Recovery	10% Fran. Fee	Total	2018 CPI 3.81%	Trash Service	Recycling Service	ESFR Disposal	Admin Fee (incl CPI)	218 Recovery	10% Fran. Fee
95 gallon (and recy)	15.41	6.86	0.89	7.26	2.21	0.07	27.90	16.00	7.12	1.18	7.26	2.29	0.07	2.16	28.96
95 gallon trash extra					-		7.62					-		0.79	7.91
65/95 gallon recy. 1st extra							No Charge								No Charge
65/95 gallon recy. extra							1.50	1.40						0.16	1.56
							ESFR = \$87.14/12								ESFR = \$87.14/12

Helendale CSD
 Rate Components
 Commercial Barrels

Refuse Service Level	Current Components - July 2018				Proposed Components - July 2019				
	2017 CPI 2.79%		2018 CPI 3.81%		Fee per Barrel \$ 0.46		Estd		
	Trash Service	\$ 47.94 Disposal	10% Fran. Fee	Total	Trash Service	Compliance Fee to Burrtec	\$ 47.94 Disposal	10% Fran. Fee	Total
95 gallon - 1x	9.88	6.23	1.10	\$ 17.21	10.26	0.46	6.23	1.19	\$ 18.14
95 gallon - 2x	28.12	12.46	3.12	\$ 43.70	29.19	0.46	12.46	3.29	\$ 45.40
95 gallon - 3x	41.22	18.69	4.58	\$ 64.49	42.79	0.46	18.69	4.81	\$ 66.75

Recycling Service Level	Current Components - July 2018				Proposed Components - July 2019			
	2017 CPI 2.79%		2018 CPI 3.81%		Trash Service		10% Fran. Fee	
	Trash Service	Recycling	10% Fran. Fee	Total	Trash Service	Recycling	10% Fran. Fee	Total
Automated Recy 65g - 1x	5.74	0.89	0.64	\$ 7.27	5.96	1.18	0.66	\$ 7.80

Helendale CSD
 Rate Components
 Commercial Refuse Bin Service

		Current Components - July 2018					Proposed Components - July 2019				
Bin Size	Freq	CPI	\$ 47.94 Disposal	10.00% Franchise Fee	Total Rate	CPI	Fee per Yard \$0.15 Compliance Fee to Burtec	Estd \$ 47.94 Disposal	10.00% Franchise Fee	Total Rate	
		2.79%				3.81%					
1.5	1	60.00	17.45	6.67	\$84.12	62.29	0.98	17.45	7.03	\$87.75	
1.5	2	112.20	34.90	12.47	\$159.57	116.47	1.95	34.90	13.16	\$166.48	
1.5	3	164.44	52.35	18.27	\$235.06	170.71	2.93	52.35	19.29	\$245.28	
2	1	77.37	23.27	8.60	\$109.24	80.32	1.30	23.27	9.07	\$113.96	
2	2	147.01	46.54	16.33	\$209.88	152.61	2.60	46.54	17.25	\$219.00	
2	3	216.64	69.81	24.07	\$310.52	224.89	3.90	69.81	25.42	\$324.02	
3	1	104.46	34.90	11.61	\$150.97	108.44	1.95	34.90	12.27	\$157.56	
3	2	208.87	69.80	23.21	\$301.88	216.83	3.90	69.80	24.53	\$315.06	
3	3	313.37	104.70	34.82	\$452.89	325.31	5.85	104.70	36.80	\$472.66	
3	4	417.81	139.60	46.42	\$603.83	433.73	7.80	139.60	49.06	\$630.19	
3	5	522.23	174.50	58.03	\$754.76	542.13	9.75	174.50	61.32	\$787.70	
3	6	626.69	209.40	69.63	\$905.72	650.57	11.70	209.40	73.59	\$945.26	
T. Bin	3 yd	97.43	-	10.83	\$108.26	101.14	-	-	11.24	\$112.38	

Helendale CSD
Rate Components
Residential Refuse Bin Service

		Current Components - July 2018			Proposed Components - July 2019		
Bin Size	Freq	CPI 2.79%	10.00% Franchise Fee	Total Rate	CPI 3.81%	10.00% Franchise Fee	Total Rate
		Trash Service			Trash Service		
1.5	1	59.99	6.67	\$66.66	62.28	6.92	\$69.20
1.5	2	119.96	13.33	\$133.29	124.53	13.84	\$138.37
1.5	3	179.94	19.99	\$199.93	186.80	20.76	\$207.56
2	1	77.37	8.60	\$85.97	80.32	8.92	\$89.24
2	2	154.74	17.19	\$171.93	160.64	17.85	\$178.49
2	3	232.10	25.79	\$257.89	240.94	26.77	\$267.71
3	1	104.46	11.61	\$116.07	108.44	12.05	\$120.49
3	2	208.92	23.21	\$232.13	216.88	24.10	\$240.98
3	3	313.39	34.82	\$348.21	325.33	36.15	\$361.48
T. Bin 3 yd		97.43	10.83	\$108.26	101.14	11.24	\$112.38

Helendale CSD
Rate Components
Recycling Bin Service

		Current Components - July 2018					Proposed Components - July 2019				
Bin Size	Freq	CPI	\$ Recycling	10.00% Franchise Fee	Total Rate	CPI	\$ Recycling	10.00% Franchise Fee	Total Rate		
		2.79%				3.81%					
		Trash Service				Trash Service					
1.5	1	59.99	4.25	6.67	\$70.91	62.28	9.99	6.92	\$79.19		
1.5	2	119.96	8.50	13.33	\$141.79	124.53	19.98	13.84	\$158.35		
1.5	3	179.94	12.75	19.99	\$212.68	186.80	29.97	20.76	\$237.53		
2	1	77.37	5.67	8.60	\$91.64	80.32	13.32	8.92	\$102.56		
2	2	154.74	11.34	17.19	\$183.27	160.64	26.64	17.85	\$205.13		
2	3	232.10	17.01	25.79	\$274.90	240.94	39.96	26.77	\$307.67		
3	1	104.46	8.50	11.61	\$124.57	108.44	19.97	12.05	\$140.46		
3	2	208.92	17.00	23.21	\$249.13	216.88	39.94	24.10	\$280.92		
3	3	313.39	25.50	34.82	\$373.71	325.33	59.91	36.15	\$421.39		
3	4	417.85	34.00	46.43	\$498.28	433.77	79.88	48.20	\$561.85		
3	5	522.30	42.50	58.03	\$622.83	542.20	99.85	60.24	\$702.29		
3	6	626.77	51.00	69.64	\$747.41	650.65	119.82	72.29	\$842.76		

Helendale CSD
Rate Components
Roll Off Service

Size	Current Components - July 2018				Proposed Components - July 2019				
	CPI % 2.79%	\$ 59.94	10.00%		CPI % 3.81%	Fee per Load \$2.75	Estd \$ 59.94	10.00%	
	(See Note)				(See Note)				
	Trash Service	Disposal	Franchise Fee	Rate	Trash Service	Compliance Fee to Burrtec	Disposal	Franchise Fee	Rate
<u>Permanent</u>									
40 Yard	180.12	Actual	20.01	\$200.13	186.98	2.75	Actual	21.08	\$210.81
20 Yard	180.12	Actual	20.01	\$200.13	186.98	2.75	Actual	21.08	\$210.81
10 Yard	180.12	Actual	20.01	\$200.13	186.98	2.75	Actual	21.08	\$210.81
40 Yard (compactor)	180.12	Actual	20.01	\$200.13	186.98	2.75	Actual	21.08	\$210.81
Dry Run/Relocate	64.81		7.20	\$72.01	67.28			7.48	\$74.76
Rental Fee (per day)	21.93		2.44	\$24.37	22.77			2.53	\$25.30
<u>Temporary</u>									
40 Yard - 6 ton	180.12	359.64	20.01	\$559.77	186.98	2.75	359.64	21.08	\$570.45
20 Yard - 10 ton	180.12	599.40	20.01	\$799.53	186.98	2.75	599.40	21.08	\$810.21
10 Yard - 10 ton	180.12	599.40	20.01	\$799.53	186.98	2.75	599.40	21.08	\$810.21
Excess Disposal		59.94	0.00	\$59.94			59.94	0.00	\$59.94
<u>Recycling</u>									
40 Yard	180.12	Actual	20.01	\$200.13	186.98		Actual	20.78	\$207.76
20 Yard	180.12	Actual	20.01	\$200.13	186.98		Actual	20.78	\$207.76
10 Yard	180.12	Actual	20.01	\$200.13	186.98		Actual	20.78	\$207.76
40 Yard (compactor)	180.12	Actual	20.01	\$200.13	186.98		Actual	20.78	\$207.76
40 Yard Green Waste	225.89	Actual	25.10	\$250.99	234.50		Actual	26.06	\$260.56
<u>Concrete Washout</u>									
Concrete wash-out box (delivery)	473.49		52.61	\$526.10	491.53			54.61	\$546.14
Concrete wash-out box (pump)	348.89		38.77	\$387.66	362.18			40.24	\$402.42
Pump service	473.49		52.61	\$526.10	491.53			54.61	\$546.14
Relocate	119.62		13.29	\$132.91	124.18			13.80	\$137.98
Rental Fee (per day)	9.96		1.11	\$11.07	10.34			1.15	\$11.49

RENTAL CHARGES:

Permanent Boxes

A minimum of four (4) loads per month is needed for boxes to be serviced on a permanent basis.

Notes:

Roll off disposal rate = 7/1/18 SB Co Gate of \$47.94 per ton + CSDSP of \$12.00 per ton.

Helendale CSD
 Rate Components
 Special Services

Service	Current Components - July 2018			Proposed Components - July 2019		
	CPI 2.79%	10% Fran. Fee	Total	CPI 3.81%	10% Fran. Fee	Total
	Trash Service			Trash Service		
Locking bin	6.86	0.76	\$ 7.62	7.12	0.79	\$ 7.91
Container steam cleaning	33.95	3.77	\$ 37.72	35.24	3.92	\$ 39.16
Pull-out service (bins)	33.95	3.77	\$ 37.72	35.24	3.92	\$ 39.16
Extra pick-up on non-service day (barrels)	20.39	2.27	\$ 22.66	21.17	2.35	\$ 23.52
Extra pick-up on service day (trash barrels)				7.12	0.79	\$ 7.91
Extra pick-up (bins)	40.81	4.53	\$ 45.34	42.36	4.71	\$ 47.07
Recycling contamination fee Bins	39.77	4.42	\$ 44.19	41.29	4.59	\$ 45.88
Recycling contamination fee Barrels				31.29	3.48	\$ 34.77

Helendale CSD
 Rate Components
 Green Waste R/O Drop off Program

Service	Current Components - July 2018			Proposed Components - July 2019		
	CPI 2.79%	Disposal	Total	CPI 3.81%	Disposal	Total
	Per Box			Per Box		
Green Waste R/O drop off program (2 boxes)	250.99	Actual	\$ 250.99	260.55	Actual	\$ 260.55

	Current Total Budget	Period Activity	YTD Activity	Percent Used	
Fund: 06 - Solid Waste Disposal					
Revenue					
06-410000-00-0	Charges for Services - Solid Waste	473,502.12	39,973.18	238,229.64	50.31 %
06-419500-00-0	Delinquent Fees & Penalties	7,300.00	530.91	3,199.73	43.83 %
06-705000-00-0	Special Assmts - Refuse Land Use Fee	235,278.00	90,784.71	121,128.42	51.48 %
06-705500-00-0	Special Assmts - Pr Yr Refuse Land Use..	6,500.00	299.04	2,820.87	43.40 %
06-706000-00-0	Penalties on Delinquent Taxes	2,500.00	54.87	714.32	28.57 %
06-999700-00-0	Board Discretionary Revenue	20,277.33	1,689.10	10,134.60	49.98 %
	Revenue Total:	745,357.45	133,331.81	376,227.58	50.48 %
Expense					
06-500001-00-0	Salaries - Full Time (2.25 FTE)	86,559.20	6,074.40	31,310.14	36.17 %
06-500002-00-0	Salaries - Overtime	0.00	0.00	36.83	0.00 %
06-510000-00-0	PERS Retirement	7,521.38	338.72	3,746.24	49.81 %
06-510001-00-0	Employee Group Insurance	23,833.08	1,728.90	10,997.64	46.14 %
06-510002-00-0	Workers Compensation	8,415.99	0.00	11,062.79	131.45 %
06-510003-00-0	Payroll Taxes - FICA/Medicare	2,320.96	81.03	412.25	17.76 %
06-521500-00-0	Contractual Services	3,200.00	0.00	0.00	0.00 %
06-521510-00-0	Contract Service - Burrtec Fees	469,083.24	39,918.22	198,758.98	42.37 %
06-523500-00-0	SB County Disposal Fees	126,072.00	7,477.11	36,470.70	28.93 %
06-523550-00-0	Green Waste Disposal	12,000.00	1,427.36	5,814.40	48.45 %
06-524500-00-0	Education and Training	500.00	0.00	0.00	0.00 %
06-527500-00-0	Rents - Storage at Park	6,000.00	500.00	3,000.00	50.00 %
06-532500-00-0	Telephone	312.00	25.62	167.13	53.57 %
06-541000-00-0	Operations and Maintenance	0.00	0.00	30.49	0.00 %
06-545000-00-0	Vehicle Maintenance	2,046.60	0.00	368.79	18.02 %
06-545001-00-0	Vehicle Fuel	3,360.00	0.00	426.20	12.68 %
06-553000-00-0	Operating Supplies	300.00	0.00	0.00	0.00 %
06-553200-00-0	Postage & Delivery	650.00	0.00	0.00	0.00 %
06-553300-00-0	Event Expense	250.00	0.00	0.00	0.00 %
06-553555-00-0	Public Outreach	2,455.00	58.18	68.94	2.81 %
06-553600-00-0	Uniforms	400.00	0.00	0.00	0.00 %
06-553700-00-0	Printing Costs	1,100.00	0.00	0.00	0.00 %
06-554600-00-0	Small Tools	100.00	0.00	0.00	0.00 %
06-590100-00-0	Bad Debt Expense	0.00	0.00	48.21	0.00 %
06-999100-00-0	Admin Allocation	9,155.33	762.64	4,575.84	49.98 %
	Expense Total:	765,634.78	58,392.18	307,295.57	40.14 %
	Fund: 06 - Solid Waste Disposal Surplus (Deficit):	-20,277.33	74,939.63	68,932.01	-339.95 %

1 - 0	YTD Solid Waste Surplus	68,932.01	+
1 - 2	Misc A/R & A/P Change	138,874.72	-
1 - 7	YTD Net Change in Cash	-69,942.71	+



Helendale Community Services District

Date: March 7, 2019
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #6
Discussion and Possible Action Regarding Approval of Agreement for Levy and Collection of Refuse Disposal Land Use Fees

STAFF RECOMMENDATION:

Staff recommends that the Board approve the proposed agreement.

STAFF REPORT:

Attached for the Board's review is a document prepared by District's General Counsel which addresses new development and existing development that is not currently paying the solid waste fee on the tax assessment roles.

District Counsel authored this document that can be offered as an option to those properties not currently listed on the tax assessment roles. The existing properties pay a increased solid waste fee that is equal to the amount paid by others on their property tax bill. This matter came to light when it was determined that a condominium community that has curb-side solid waste services did not pay the solid waste disposal fee that other community members paid.

The district had previously added an additional fee to the rate schedule that is currently being charged to all dwelling units who have been identified as not paying the separate disposal fee. This fee covers the weekly disposal of the curbside trash, the community clean up day solid waste, the bulky item pick up waste and the items received at the recycling center that are disposed of.

Legal Counsel will provide a review of the document at the board meeting.

FISCAL IMPACT: Unknown at this time.

REQUESTED ACTION: Staff requests approval of the Agreement

ATTACHMENTS: Agreement for Levy and Collection of Refuse Disposal Land Use Fees

**AGREEMENT FOR LEVY AND COLLECTION
OF REFUSE DISPOSAL LAND USE FEES**

This Agreement for Levy and Collection of Refuse Disposal Land Use Fees (“Agreement”) is entered into effective _____, 20__ (“Effective Date”), by and between HELENDALE COMMUNITY SERVICES DISTRICT, a public agency located in the County of San Bernardino, State of California (“HCS D”), and _____, a _____ (“Owner”). HCS D and Owner are sometimes hereafter referred to individually as “Party” and collectively as “Parties.”

RECITALS

WHEREAS, HCS D is a Community Services District organized and operating pursuant to Government Code 61000 et seq.

WHEREAS, on or about December 4, 2006, the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”) adopted Resolution No. 2951 (“Resolution 2951”) which determined that HCS D is the successor agency to County Service Area 70, Improvement Zones B and C (“CSA 70 B&C”).

WHEREAS, Condition No. 10 of Resolution 2951 expressly states that “[a]ll previously authorized charges, fees, assessments, and/or taxes of [CSA 70 B&C] currently in effect shall be continued and assumed by [HCS D] as the successor agency in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t).”

WHEREAS, Government Code Section 56886(t) provides that Resolution 2951 contains the exclusive terms and conditions for the change of organization from CSA 70 B&C to HCS D as it relates to the “extension or continuation of any previously authorized charge, fee, assessment, or tax by [HCS D as the] successor local agency in the affected territory.”

WHEREAS, prior to the adoption of Resolution 2951, the territory within CSA 70 B&C was subject to a refuse disposal land use fee that had been fixed, levied, and imposed upon such lands by the County of San Bernardino (“the County”) pursuant to the California Integrated Waste Management Act of 1989 (Division 30 of the California Public Resources Code) (“the Act”) in order to discourage illegal dumping and to offset the cost of disposal of waste from the Helendale community (the “Refuse Disposal Land Use Fee”).

WHEREAS, on or about June 21, 2006, LAFCO adopted Resolution No. 2927 (“Resolution 2927”) making determinations on and approving the incorporation of the District, which was subsequently approved by the electorate at the November 7, 2006, general election and confirmed by LAFCO pursuant to its adoption of Resolution 2951.

WHEREAS, Resolution 2927 and Resolution 2951 authorize HCS D to collect, transfer, and dispose of solid waste and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to the Act and consistent with Section 41821.2 of the Public Resources Code.

WHEREAS, on or about July 21, 2010, LAFCO adopted Resolution No. 3099 affirming HCSD's authorization to (1) collect, transfer and dispose of solid waste and provide solid waste handling service, and (2) continue and assume the Refuse Disposal Land Use Fee in the same manner as provided in the original County authorization, pursuant to Condition No. 10 of Resolution 2927 and Resolution 2951.

WHEREAS, on or about November 16, 2010, HCSD and the County entered into a Solid Waste Fee Transfer Agreement to provide for the terms and conditions under which HCSD will continue and assume the Refuse Disposal Land Use Fee.

WHEREAS, pursuant to the legal authority set forth above, HCSD is authorized to fix a Refuse Disposal Land Use Fee on residential parcels within its jurisdiction entitling the owners of such parcels to utilize refuse disposal sites without the payment of any pay-at-the gate fee for ordinary refuse generated on such residential property.

WHEREAS, pursuant to the legal authority set forth above, HCSD's Board of Directors ("the Board") may establish the Refuse Disposal Land Use Fee according to San Bernardino County Assessor's Land Use Codes, and the benefit derived or to be derived from the use of solid waste facilities or services for ordinary refuse (excluding demolition waste, tires, and hard to handle and special handling items) generated on the parcel of property for which the Refuse Disposal Land Use Fee is paid.

WHEREAS, the Board has elected to continue, extend, and assume all previously authorized Refuse Disposal Land Use Fees that had been fixed, levied, and imposed upon lands within the jurisdictional boundary of HCSD.

WHEREAS, the real property described below ("Property") lies within HCSD's jurisdictional boundaries, but has not previously been assessed a Refuse Disposal Land Use Fee due to _____.

WHEREAS, Owner is the record owner of the Property and consents to the annual levy of the Refuse Disposal Land Use Fee on the Property by HCSD pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated into the Operative Provisions below by this reference, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, HCSD and Owner agree as follows:

OPERATIVE PROVISIONS

1. Property Details.

- a. Property Owner(s): _____
- b. Property Address: _____
- c. Property APN: _____

2. **Levy of Fee.** Owner hereby expressly and irrevocably consents to the annual levy of a Refuse Disposal Land Use Fee on the Property by HCSD in the applicable amount set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

3. **Collection of Fee.** Owner hereby expressly and irrevocably consents to the annual collection of the Refuse Disposal Land Use Fee on the Property by HCSD at the same time, and in the same manner, as the levying of special assessments on the San Bernardino County Tax Roll, and/or as may otherwise be collected in accordance with all legally-permissible methods available under applicable law. If any Refuse Disposal Land Use Fee hereby adopted becomes delinquent, the amount of the delinquency, together with any interest and penalties thereon, shall constitute a lien on the Property to the fullest extent legally allowable under applicable law.

4. **Release.** Owner hereby expressly waives and voluntarily relinquishes any and all legal, equitable, administrative, and/or other right Owner may have to challenge the Refuse Disposal Land Use Fee and/or HCSD's levy thereof on the Property and/or collection thereof from Owner, and further hereby releases HCSD and its agents, officers, directors, and employees from any and all liability for any claims, actions, and/or losses in connection therewith and for any costs and expenses incurred in connection therewith. Notwithstanding the provisions of California Civil Code ' 1542, which provides as follows:

"A general release does not extend to claims which the creditor did not know or suspect to exist in his or her favor at the time of the executed release which if known by him or her must have materially affected his or her settlement with the debtor"

Owner expressly waives and relinquishes all rights and benefits afforded to Owner thereunder and under any and all similar laws of any state or territory of the United States with respect to the claims, actions, and/or losses referenced in the first paragraph of this section. This Agreement shall act as a release of future claims that may arise from the aforementioned whether such claims are currently known, unknown, foreseen, or unforeseen. Owner understands and acknowledges the significance and consequences of such specific waiver of Civil Code ' 1542 and hereby assumes full responsibility for any injuries, damages, losses, or liability that may result from the claims identified above. If requested by HCSD, Owner must also duly execute a written release on a separate form approved in writing by HCSD and filed with HCSD.

5. **Attorneys Fees.** If either Party is the prevailing party in any legal dispute caused by the non-prevailing party, which said legal dispute arose out of, under, in connection with, or in relation to this Agreement, and any amendments thereto, or the breach thereof, the prevailing party shall be entitled to receive from the non-prevailing party all attorneys fees and costs actually incurred by the prevailing party in connection therewith. In any such action, arbitration, mediation, or other proceeding, the entitlement to recover attorneys fees and costs will be considered an element of costs and not of damages.

6. **Governing Law.** This Agreement shall be construed and governed by the laws of the State of California. The Parties agree to the jurisdiction and venue of the Superior Court of San

Bernardino County, Central Division, to hear any actions arising under, related to, or connected with this Agreement.

7. **Entire Agreement.** This Agreement supersedes any prior discussions, negotiations, and communications, oral or written, and contains the entire agreement between the Parties as to the subject matter hereof. No subsequent representation or promise made by either Party hereto, or by or to an employee, officer, agent or representative of either Party hereto, shall be of any effect unless it is in writing and executed by the Party to be bound thereby.

8. **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the Parties hereto.

9. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute one and the same instrument. In order to expedite matters, electronic signatures may be used in place of original signatures on this Agreement. The Parties hereto intend to be bound by the signatures on the electronic document, and hereby waive any defenses to the enforcement of the terms of this Agreement based on the use of an electronic signature. The Parties hereby agree to execute and provide to each other original signatures upon request made by either Party to the other.

10. **Authority.** Owner hereby represents and warrants that he/she/it is the owner in fee title of the Property and is fully and duly authorized and empowered to execute this Agreement and to encumber the Property in the manner set forth in this Agreement.

IN WITNESS WHEREOF, HCSD and Owner enter into this Agreement effective as of the Effective Date set forth above.

**HCSD:
Helendale Community Services District**

By: _____
Name: _____
Its: _____

**OWNER(S):
I/We, the undersigned, are the above-described Property Owner, and I/we hereby acknowledge, consent to, and agree to abide by the terms of the foregoing Agreement.**

[Sign:] _____
Print Name: _____
Date: _____

[Sign:] _____
Print Name: _____
Date: _____

EXHIBIT "A"

<u>USE CODE</u>	<u>DESCRIPTION</u>	<u>FEES</u>
0510	Single Family Residence (suitable for permanent use)	\$85.14
0511	Recreation Cabin (unsuitable for permanent use)	\$42.57
0520	Mobile home on fee land, not in a subdivision	\$85.14
0525	Mobile home on fee land, in a subdivision	\$85.14
0526	Mobile home on a permanent foundation	\$85.14
0533	Time share	\$85.14
0534	Attached single-family residence (common wall)	\$85.14
0535	Zero lot line single-family residence	\$85.14
0599	Miscellaneous residential structure	\$85.14
0600	Two single-family residences	\$170.28
0601	Three single-family residences	\$255.42
0602	Four single-family residences	\$340.56
0603	Duplex	\$170.28
0604	Triplex	\$255.42
0605	Quad	\$340.56
0610	Multi single-family residence (5 to 14 units)	\$425.70
9999	No services provided	\$0.00



Helendale Community Services District

Date: March 7, 2019
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #7
Discussion Only Regarding the Capital Improvement Plan for Fiscal Years 2020 through 2024

STAFF RECOMMENDATION:

Staff seeks input from the Board regarding this matter

STAFF REPORT:

Each year the Capital Improvement Program is included in the budget to provide a guide for major expenditures that the District may or needs to accomplish. Typically, the capital improvements have been funded from each fund's reserves, however, the most ideal scenario is to fund these expenses out of the operating budget.

Attached is a draft copy of the CIP that will be revised by Staff over the next few months. Total estimated capital expenditures for next fiscal year is \$2,038,667.

Staff will provide a presentation at the board meeting that includes a modification of last year's 5-year capital improvement plan.

FISCAL IMPACT: Undetermined at this time.

ATTACHMENTS: Draft Five-Year CIP

####

Capital Budget FY 2020 - FY2024

All CIP Projects require Board approval before commencing.

	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Total Cost
Water Fund							
Corporate Yard - 60x120 Metal Building / Enclosure	\$ -	\$ -	\$ 300,000	\$ -	\$ -		\$ 300,000
Generator	-	90,000	-	-	-		90,000
New Well (Location TBD)	-	851,000	-	-	-		851,000
Well 1A Building Improvements	-	-	40,000	-	-		40,000
Abandon Wells 5 & 6	-	-	-	-	-	30,000	-
New Well Pipeline (connect to Distribution System)	-	210,000	210,000	-	-		420,000
North & South Tank - Interior Re-Coating	-	-	250,000	-	-		250,000
North & South Tank - Valves & Manifold	-	-	80,000	-	-		80,000
New Well Testing (Test drills)	-	-	-	-	-		-
New Turbine Pump Well 1A	-	-	85,000	-	-		85,000
New Turbine Pumps Well 4A	85,000	-	-	-	-		85,000
Well Rehabilitation 4A	110,000	-	-	-	-		110,000
Well Rehabilitation 1A	-	-	110,000	-	-		110,000
Water Truck	45,000	-	-	-	-		45,000
Ride On Trencher	7,000	-	-	-	-		7,000
AMI Meters	45,000	162,667	162,667	162,667	370,333		903,334
Well Exploration Test Holes	85,000	-	-	-	-		85,000
AMI Tower	35,000	-	-	-	-		35,000
Total Capital Projects	\$ 412,000	\$ 1,313,667	\$ 1,237,667	\$ 162,667	\$ 370,333		\$ 3,496,334
Wastewater Fund							
Rehab Digester	\$ -	\$ -	\$ -	\$ 175,000	\$ -		\$ 175,000
Generator (reconfigure and/or remove)	-	-	75,000	-	-		75,000
Monitoring Wells	120,000	-	-	-	-		120,000
Plant & Lift Station #1 SCADA	40,000	-	-	-	-		40,000
Sewer Pipeline from Park to Smithson	350,000	-	-	-	-		350,000
Rebuild Filtrate Pump (Drying Bed)	25,000	-	-	-	-		25,000
Pipeline to Park per WDR - Begin FY 2018	-	-	-	-	-		-
Plant Sludge Lines (Replacement)	-	210,000	-	-	-		210,000
Grit Removal System (Replacement)	-	100,000	-	-	-		100,000
Secondary Irrigation Pump Project	35,000	-	-	-	-		35,000
Tractor (Sludge Removal)	35,000	-	-	-	-		35,000
Storage Building/Office/Lab	-	300,000	-	-	-		300,000
Secondary Clarifier Rehabilitation	-	-	120,000	-	-		120,000
Schooner Pump Station Coating	15,000	-	-	-	-		15,000
Parkway Pump Station Coating	15,000	-	-	-	-		15,000
Smithson Lift Station Rebuild	-	-	50,000	-	-		50,000
Septic for Park	35,000	-	-	-	-		35,000
Total Capital Projects	\$ 670,000	\$ 610,000	\$ 245,000	\$ 175,000	\$ -		\$ 1,700,000
Parks and Recreation Fund							
Curbing	-	\$ 60,000	\$ -	\$ -	\$ -		\$ 60,000
Electronic Gates (3)	-	45,000	-	-	-		45,000
Volleyball	10,000	-	-	-	-		10,000
Fitness Circuit	35,000	-	-	-	-		35,000
Small Shelters	40,000	-	-	-	-		40,000
Playground equipment	14,000	-	-	-	-		14,000
Restroom Buildings	30,000	-	-	-	-		30,000
Sidewalks	10,000	10,000	-	-	-		20,000
Community Center Roof Repairs	10,000	-	-	-	-		10,000
Community Center Parking Lot Resurfacing	-	-	75,000	-	-		75,000
Asphalt Parking Lot	-	-	167,000	-	-		167,000
Park Lighting	-	-	70,000	-	-		70,000
Splash Pad	-	-	-	500,000	-		500,000
Total Capital Projects	\$ 149,000	\$ 115,000	\$ 312,000	\$ 500,000	\$ -		\$ 254,000
Solid Waste Fund							
No Projects Identified	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
Combined - All Funds							
Total Capital Projects	\$ 1,231,000	\$ 2,038,667	\$ 1,794,667	\$ 837,667	\$ 370,333		\$ 5,450,334



Helendale Community Services District

Date: March 7, 2019
TO: Board of Directors
FROM: Kimberly Cox, General Manager
SUBJECT: Agenda item #8
 Discussion and Possible Action Regarding Draft Watermaster Recommendation

STAFF RECOMMENDATION:

This item is information only.

STAFF REPORT:

The Watermaster serves as an arm of the court in the Mojave Basin Area adjudication. Each year the Watermaster's engineer evaluates the condition in the five basin areas and determines based upon a number of elements if a rampdown is warranted for a particular basin. This year, to the surprise of many, the engineer recommended a rampdown in Alto from 60% of Base Annual Production Rights to 55%. This would cause a reduction on free production allowance of 186 AF valued at \$930,000 at the market rate. Below is data related to the impact of this rampdown to our community.

	BAP	FPA at 60%	FPA at 55%	2016/17 Production	Balance
HCSD	3707	2225	2038.85	1520	518.85
SLA	4987	2993	2742.85	3254	-511.15

Does not account for carryover

Watermaster's draft recommendations are available for public comment and are set for approval at the April Watermaster meeting.

FISCAL IMPACT: Undetermined at this time.

REQUESTED ACTION: Discussion only.

ATTACHMENTS: Watermaster Subarea Recommendation.

MOJAVE BASIN AREA WATERMASTER

FOR
CITY OF BARSTOW, ET AL, VS. CITY OF ADELANTO, ET AL,
CASE NO. 208568 - RIVERSIDE COUNTY SUPERIOR COURT

MEMORANDUM

Date: February 27, 2019

To: Watermaster

From: Tom McCarthy, Executive Officer

By: Robert C. Wagner, Watermaster Engineer

Re: Consider proposed Recommendation for Free Production Allowance for Water Year 2019-20

Pursuant to paragraph 24 (o) of the Judgment After Trial dated January 10, 1996 the Watermaster is required to make a recommendation to the Court for adjustments to Free Production Allowance (FPA) in each Subarea as necessary.

Exhibit H of the Judgment provides that "In the event that the Free Production Allowance exceeds the estimated Production Safe Yield (PSY) by five percent or more, Watermaster shall recommend a reduction of the Free Production Allowance equal to a full five percent of the aggregate Subarea Base Annual Production." In previous years, Watermaster has recommended Rampdown in accordance with this section but the Court has imposed its own constraints on Watermaster's recommendations.

As part of the FPA review, we have prepared a preliminary update to the Production Safe Yield for each Subarea. Previously, as required by the Judgment, PSY was updated in August 2000 by Albert A. Webb and Associates. The consumptive use and PSY are defined by the Judgment as follows:

- Production Safe Yield - The highest average Annual Amount of water that can be produced from a Subarea: (1) over a sequence of years that is representative of long-term average annual natural water supply to the Subarea net of long-term average annual natural outflow from the Subarea, (2) under given patterns of Production, applied water, return flows and Consumptive Use, and (3) without resulting in a long-term net reduction of groundwater in storage in the Subarea.
- Consumption or Consumptive Use - The permanent removal of water from the Mojave Basin Area through evaporation or evapo-transpiration.

Periodic updates to PSY are necessary to capture changes in land use that may occur over time. Irrigation patterns, cropping, general land uses, consumptive use of water, patterns of return flow for example affect PSY. In general, the long-term average annual

supply is based on the period 1930-31 to 1989-90. The PSY update is primarily focused on changes in consumptive uses from those reported by Webb 2000. The consumptive use is evaluated by the Watermaster engineer and staff annually and reported in the State of Basin section of the Watermaster's annual report. Consumptive use is important because it is used to estimate return flow. Return flow is the difference between water production for a particular use and the estimated consumptive use of the production. Return flow is therefore considered part of the water supply.

For the current PSY estimate, we have included long-term hydrology as specified in the Judgment, consumptive uses for 2017-18, phreatophyte use as indicated in the Judgment, Subarea subsurface obligations and surface obligations between Alto and Centro (there are no other surface obligations in the Judgment).

Attachment 1 is a draft of Table 5-1 of the Watermaster annual report that shows the current PSY calculation based on Webb 2000 and the proposed update. Changes are shown in strike out and gray.

The following table shows the current FPA for each Subarea and the estimated PSY based on the updated consumptive use analysis by the Watermaster engineer for 2017-18 and the proposed Production Safe Yield update as shown on Attachment 1.

<u>Subarea</u>	<u>Base Annual Production</u>	<u>2018-19 FPA</u>	<u>Production Safe Yield</u>	<u>Percent Difference¹</u>	<u>2017-18 Verified Production</u>
Alto	116,412	72,645	64,662	6.9%	74,317
Baja	66,157	24,682	12,189	18.9%	22,296
Centro	51,030	41,155	20,588	40.3%	19,112
Este	20,205	16,376	4,728	57.6%	4,101
Oeste	7,095	5,725	1,712	56.6%	3,706

¹This value represents the percent of BAP that Production Safe Yield departs from FPA.

In addition to comparing FPA and PSY we consider such factors and long-term water levels trends in a Subarea and the magnitude of total Subarea pumping reduction in relation to the available supply. The following summarizes the status of each Subarea and provides staff's recommendation for setting FPA for Water Year 2019-20 and the justification for the recommendation.

**Alto – 55% of BAP for M&I
 80% of BAP for Agriculture**

FPA in Alto exceeds the estimated PSY by more than 5% of BAP (6.9%). Additionally, there is an indicated annual deficit of 13,024 acre-feet (Attachment 1). As discussed below, water levels have been relatively stable in Alto and the Transition Zone; however,

we see indications of potential problems, for example, declining base flow at Lower Narrows and some water level declines.

Alto is directly connected to the Centro Subarea and the Mojave River as the river flows from its headwaters in the south near Forksite Dam, through Alto, Transition Zone, Centro and Baja to the basin outlet at Afton. The Judgment provides that the Alto Subarea maintain a minimum base flow obligation between Alto and Centro (Judgment After Trial, 1996, Exhibit G). This obligation is equal to the long-term average base flow, as determined at the Mojave River Lower Narrows gaging station, of 21,000 acre-feet per year plus 2,000 acre-feet of subsurface flow. There is a detailed accounting of the obligation in the Watermaster annual reports on tables 4-2 and 4-3. As indicated on those tables, the obligation from Alto to Centro has been met. There is no such obligation in the Judgment between Alto and Baja, or Centro and Baja.

Attachment 2 is a draft of Figure 3-10 of the Annual Report that shows the water balance for the Transition Zone (TZ) from 1991-2018. The TZ is the area of Alto that lies between the Lower Narrows Mojave River, and the Helendale Fault, the boundary between Alto and Centro. The TZ was intended by the Judgment to function so as provide the same historical flow on a long-term basis to Centro, from Alto as occurred prior to adjudication. Since there is no measurement of outflow from the TZ at Helendale Fault, obligations under the Judgment between Alto and Centro are reckoned in the TZ and include base flow determined at the USGS Lower Narrows gaging station and wastewater discharged by Victor Valley Wastewater Reclamation Authority (VWRA). As shown on Attachment 2, total discharge to Centro including make-up obligation purchases has averaged 37,300 acre-feet since 1991 and 36,700 between 1931-1990.

Producers in the Alto Subarea have reduced water production from about 98,900 acre-feet in 1990 to 77,686 acre-feet in 2018. Population in Alto in 1990 was 165,100, which grew to 346,665 by 2015, and is projected to reach 371,356 by 2020 (Beacon Economics, 2015, Appendix 2). Prior to 1990, most pumping in Alto was for agriculture. In the past 28 years while population has more than doubled, water production has been reduced by 21.4%.

Water levels in Alto have been relatively stable, although some indications of water levels trending downward is apparent in some wells. The TZ wells indicate long-term stability. The stability can be attributed to factors such as implementation of the Judgment by reducing Alto Free Production Allowance by 40% of the Base Annual Production (FPA = 60%), reduced pumping due to conservation and water purchases by MWA totaling 233,867 acre-feet. Replacement water purchases by parties to the Judgment in Alto totaled about 115,362 acre-feet since 1996.

Water levels within Alto can vary over time and are in part dependent on climate. The past seven Water Years (2012-2018) have been drier than average (average flow at the

Forks for 2012-2018 has been 30% of the 1931-2018 average). Consequently, water levels in the upper portion of Alto are demonstrating declines due to lack of inflow from precipitation in the mountains. We expect that water levels will recover in wetter years.

Base flow at Lower Narrows has declined consistent with the drier than average water supply at the Forks over the past seven years. Base flow has declined from 8,829 acre-feet in 2011-12 to 3,662 acre-feet in 2017-18. The decline in base flow indicates less water rising to the surface from within the aquifer system in Alto upstream from Lower Narrows.

The Judgment's purpose is to balance supply and demand and allocate the cost to parties that over pump FPA. The purpose of Rampdown is not to cause a reduction in pumping but a reduction in FPA to cause imported water supply to be purchased to offset deficits. The previous PSY estimated Alto's annual deficit to be about 20,900 acre-feet (Webb 2000). The reduction in deficit can be attributed to reduced pumping, reduced consumptive uses, conversion of agriculture to M&I and Replacement Water purchases. The apparent stability in water levels over the past 10 plus years is a function of reduced pumping and imported water purchases by MWA in addition to Replacement Water purchases. However, under the conditions that now exist, in order to maintain stability and future sustainability, continued management under the terms of the Judgment is necessary.

The Judgment was intended to be a financing mechanism to raise funds to buy imported water in the form of replacement obligations, to offset deficits and thereby provide sustainability. Watermaster should take steps now to begin offsetting the deficit in Alto, prior to water levels falling on a continuous basis. Therefore, we recommend a 5% reduction in FPA for M&I producers for Water Year 2019-20.

Baja – 30% of BAP

FPA in Baja exceeds PSY by more than 5% of BAP (18.9%). Overdraft continues as water levels continue to fall. The reason for the continuous decline is due to pumping in excess of supply. The Baja producers have regularly raised questions about the effects of upper basin pumping, upper basin population growth, and interference with the river flow, by flood control dams, as the reasons for overdraft in Baja. These issues have been investigated both in response to the Baja producers and by order of the Court. Between 2003 and 2008 we had numerous meetings with Baja producers to discuss these issues. Additionally, the topic was discussed at multiple Watermaster and MWA Board meetings in response to the Baja producers.

In December 2005, Judge Kaiser ordered Watermaster to investigate what became known as "Items 6 (a)-(f)" to address these topics. Watermaster held workshops and addressed each item individually with the Baja producers. Prior to finalizing the

investigation into Items 6 (a)-(f) we held a workshop with Baja producers in March of 2008. The results of the investigations were submitted to the Court on June 2, 2008. Judge Trask wrote on September 8, 2008 that Watermaster had adequately answered the Court's questions and no further investigation was required. The two orders are included as Attachments 3 and 4.

The Baja Recreational Lakes retained the services of Dr. Richard Laton who has asserted that the upper region owes Baja water. Laton cites Todd Engineers (2013), who cites USGS, as the source for this obligation.

The USGS reported the results of a groundwater model scenario that restricted all pumping from the upper region (Alto, Este, Oeste) and allowed historic pumping to occur in the lower region (Centro and Baja) during the model period of 1931-1990 (Stamos et al., 2001). The USGS concluded that under such a model scenario, there would be less storage depletion in Baja (3,230 acre-feet/yr.) as compared to the baseline condition (Stamos et al., 2001, pg. 92). USGS estimated 14,490 acre-feet per year depleted from storage in Baja under the base line condition and 11,260 acre-feet per year under the model assumption of no upper region pumping. (Storage depletion is the removal of water from the groundwater basin, effectively overdraft). We note that the model scenario was a simulation that did not reflect the realities of pumping or entitlements before or after the adjudication. This scenario was an exercise and was not intended to address water supply allocations to Baja.

Neither the USGS (Stamos et al., 2001) nor Todd Engineers (2013) commented as to whether or not Baja was entitled to such a condition (no pumping in the upper region) and did not comment as to the requirements of any obligation of the upper region to Baja. There is no basis under the Judgment to establish an obligation to Baja assuming that there is no pumping of water by upstream Subareas. The 3,230 acre-feet/yr of *simulated reduced depletion* exists only if the upper region never pumped and the lower region pumped in a state of overdraft for 60 years, thereby inducing additional recharge. The lower region would have been severely overdrafted anyway. The effects of this *simulated reduced recharge* is an artificial benefit to the lower region (Baja). Assuming that Baja was *prioritized* over the upper region for water supply the result would still have been about 900,000 acre-feet of overdraft between 1931 and 1999 and an additional 400,000 acre-feet since then.

The effects of the overdraft in Baja were apparent decades ago. Hardt (1971) reports that phreatophyte use (water used by native vegetation) in Baja was 8,000 acre-feet in 1930, and 5,900 acre-feet in 1963 (Hardt, Table 5, pg. 43). By the time Judgment was entered in 1996 phreatophyte use was estimated to be about 2,000 acre-feet in Baja. It is likely that this value is now far lower.

The effects of long-term overdraft on the Baja resources continue. USGS, and the California Department of Fish and Wildlife (formerly Fish and Game) (Lines and Bilhorn 1996), reported “many areas that were once lush with vegetation, such as upgradient of the Calico-Newberry Fault and near Camp Cady, now barely support even the heartiest desert plants” (Stamos et al., 2001, pg. 43). Baja overdraft has resulted in the elimination of sensitive southwest desert riparian habitat, the mobilization of sediments (blow sand) and reduction in surface outflow at Afton and elimination of surface base flows at Afton that supported desert habitat in that area. The California Department of Fish and Wildlife continues to express its concern for health of the habitat at Camp Cady in Baja.

Available recharge to Baja has not changed significantly. Water supply from stream recharge in Baja during the period 1931-1968 was 7,000 acre-feet (Hardt 1971, Table 1, pg. 16). Pumping in Baja as of 1968 exceeded stream recharge by 600%. Stream recharge for the period 1968 to 2018 averaged about 7,000 acre-feet (7,188 acre-feet) based on estimated flow at Waterman Fault (boundary from Centro to Baja), and flow at Afton. Average stream recharge during the period 1931-2018 has been about 7,000 acre-feet (6,924 acre-feet).

In 2006, Watermaster reported to the Court that the Subarea obligation between Centro and Baja of 1,200 acre-feet per year was being met. Baja Recreational Lakes’ consultant, Dr. Laton, prepared a report for Mojave Water Agency in October 2005 in which he reported that water levels in Centro had been stable for 15 years and that downward water level trends in Baja were the result of excess pumping in Baja. Dr. Laton wrote in 2005:

“Historical groundwater flow direction for the study area is from Centro Hydrologic Subarea to Baja Hydrological Subarea. Groundwater levels have been stable across the Centro Subarea with only minor fluctuations over the past 15 years (since 1990). The Baja Subarea has seen a trend in water levels downward since the late 1950’s to early 1960’s. The two Subareas are divided by the Harper Lake fault. Since, Centro has seen no substantial change in water levels then it can be said that no change in flow across the Subarea boundary has occurred. The downward trend in water levels in the Baja Subarea can be attributed to excess pumping of groundwater on the downside gradient of the fault.

“The range in gradients was from a low of 0.0045 ft/ft in 1960 to a high of 0.0050 ft/ft in 2004. This registered change is within the calculated error of the analysis (± 0.0004 ft/ft). Overall, the change in gradient from 1993 to 2004 is negligible, thus no major change in gradient magnitude or direction is observed.”

We recently estimated the gradient based on water level data shown on the USGS Regional Water Table Map for 2016. The gradient was estimated along the same line depicted in the Laton report and was about 0.0053 (feet per foot), consistent with prior estimates. We conclude, as we did in 2006, that flow across the boundary has not changed and that the subsurface obligation between Centro and Baja is being met.

Watermaster updated the subsurface flow amount attributed to the obligation to be consistent with the USGS modeled output for subsurface flow between Centro and Baja (1,581 acre-feet).

We subsequently have re-evaluated the Centro-Baja groundwater gradients as well as other subsurface obligations from the Judgment, and have reached the same conclusion as in 2006, that the subsurface Subarea obligations are being met.

Based on the foregoing we recommend a 5% reduction in FPA for Baja for Water Year 2019-20.

Centro – 80% of BAP

FPA exceeds PSY in Centro by more than 5% of BAP (40.3%). However, as noted below, a reduction in FPA is not warranted at this time. Water levels indicated in wells near the Centro-Baja boundary (near Waterman Fault) are close to the same level indicated 25 years ago. This follows seven consecutive dry years with limited rainfall and runoff. The water levels fall during periods of below average rainfall and recover in wet years. We expect this trend to continue. In the area near the Hodge and Lenwood recharge sites wells indicate a pattern of falling during dry years and recovering rapidly in wet years. However, we have noted that at least two wells (09N03W23F01-4, near Hodge, and 09N02W6L11-14, near Lenwood) show a pattern of lower lows following extended dry periods.

PG&E has expressed concern that their Chromium 6 clean-up operations in the Hinkley area could be impacted by local pumping and falling water levels. It is expected that the water levels indicated by the two wells near Hodge and Lenwood will recover again following storm events. However, the water level pattern is suggestive of localized heavy pumping by one or more producers. Two possible solutions to avoid potential longer term problems are: 1) spread out the pumping stress in time and space, 2) consider recharge of supplemental water in these areas.

Total water production in Centro (20,665 acre-feet) is about equal to the updated Production Safe Yield estimate (20,588 acre-feet). Additional Rampdown in Centro would not immediately solve the local water level problems. We recommend FPA remain unchanged in Centro for 2019-20. However, we note that future reduction in FPA may be warranted.

Este – 80% of BAP

FPA in Este exceeds the estimated PSY by more than 5% of BAP (57.6%). The water levels in Este remain stable as water production has declined. Water production has declined in Este from 15,700 acre-feet in 1990 to 4,101 in 2018. The Este producers continue to acknowledge that Rampdown could be implemented at 65% should data

indicate this is necessary. At this time, we do not recommend a reduction in the Este Subarea FPA for 2019-20. We will continue to evaluate Este annually.

Oeste – 75% of BAP

FPA exceeds PSY in Oeste by more than 5% of BAP (56.6%). Previous Watermaster recommendations approved by the Court, set PFA in Oeste at 60% of BAP for M&I producers and 80% of FPA for agricultural producers. Water levels in Oeste exhibit a downward trend over time. We note variability in water levels rising and falling over the past 15 years but trending down as water production exceeds supply. As population increases water demand, we expect water level decline to accelerate consistent with overdraft. It is our recommendation to place all Oeste producers on a path to long-term sustainability by reducing FPA in 5% increments, consistent with the Judgment.

Work Cited

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Stamos, C. L., Martin, P., Nishikawa, T., & Cox, B. F. (2001). *Simulation of ground-water flow in the Mojave River basin, California*. U.S. Geological Survey Water-Resources Investigations Report, 01-4002, version 3. doi:10.3133/wri014002

Stamos, C.L., *Water Supply in the Mojave River Groundwater Basin, 1931-99, and the Benefits of Artificial Recharge, Fact Sheet 122-01, November 2001*

State of California Superior Court. (1996). *Mojave Basin Area Adjudication. Judgment After Trial. City of Barstow, et al. v. City of Adelanto, et al. Riverside County Superior Court Case No. 208568. January 10.*

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Wagner, R. C. (2006). *Summary Report, Subsurface Flow Between Subareas.*

Action:

Staff recommends that Watermaster authorize staff to circulate the proposed recommendation for Free Production Allowance for Water Year 2019-20 by March 1, 2019 and set a public hearing to receive comments and adopt the recommendation at the regularly scheduled meeting on March 27, 2019.

Watermaster Action: _____
Conditions: _____
Date: _____
Executive Officer: _____

ATTACHMENT 1

**DRAFT Table 5-1
Production Safe Yield Update**

Water Year 2018

DRAFT

TABLE 5-1

Production Safe Yield Update

**Based on Long-Term Average Natural Water Supply and Outflow,
and Imports, Consumptive Use, and Production for 2017-18**

(all amounts in acre-feet)

WATER SUPPLY	Este	Oeste	Alto	Centro	Baja	Basin Totals
Surface Water Inflow	1,700 ¹	1,500 ¹	69,100 68,500 ²	34,700 33,100 ³	14,400 17,358 ⁴	72,700 72,652 ⁵
Subsurface Inflow	0 ¹	0 ¹	1,000 ¹	2,000 ¹	1,200 1,581 ⁶	0 ⁷
Deep Percolation of Precipitation ¹	0	0	3500	0	100	3600
Imports	2,630 2,000	0	1,620 737	0 2,262 ⁸	0	4,250 4,999
TOTAL	3,700	1,500	73,737	37,362	19,039	81,251
CONSUMPTIVE USE AND OUTFLOW	Este	Oeste	Alto	Centro	Baja	Basin Totals
Surface Water Outflow	0	0	34,700 33,100 ³	14,000 16,406 ⁹	8,200 5,372 ¹⁰	8,200 5,372
Subsurface Outflow	825 200 ¹	350 800 ¹	2,000 ¹	1,200 1,581 ⁵	0 ¹	0 ¹
Consumptive use						
Agriculture ¹¹	3,900 2,327	2,300 1,208	7,900 1,063	13,000 8,895	20,800 17,664	47,900 31,157
Urban ^{11,12}	2,200 1,500	1,300 1,724	40,700 39,598	8,500 7,557	7,900 6,338	60,600 56,717
Phreatophytes ¹³	0	0	11,000	3,000	2,000	16,000
TOTAL	4,027	3,732	86,761	37,439	31,374	109,246
Surplus / (Deficit)	(2,595) (327)	(2,450) (2,232)	(20,905) (13,024)	(3,000) (77)	(23,200) (12,335)	(52,150) (27,995)
Total Estimated Production ¹⁴	9,751 5,055	6,502 3,944	90,767 77,686	36,375 20,665	43,879 24,524	187,274 131,874
PRODUCTION SAFE YIELD¹⁵	7,156 4,728	4,052 1,712	69,862 64,662	33,375 20,588	20,679 12,189	135,124 103,879

¹ Judgment After Trial, 1996, Table C-1.

² Average discharge of Mojave River at The Forks, 1931-1990 (The Forks is the addition of reported values from USGS stations at West Fork Mojave River Near Hesperia, CA (10261000) and Deep Creek Near Hesperia, CA (10260500). Includes 3,000 af of ungaged inflow (Judgment After Trial, 1996, Table C-1).

³ Estimated based on reported flows at USGS gaging station, Mojave River at Victorville Narrows and 1991-2018 Transition Zone water balance (Watermaster Engineer, 2019).

⁴ Estimated from reported flows at USGS gaging station, Mojave River at Barstow. Includes 16,406 af of Mojave River surface flow across the Waterman Fault estimated by "Evaluations of Potential Mojave River Recharge Losses between Barstow and Waterman Fault", Wagner & Bonsignore, 2012 (see Appendix A, Table 6), and 747 af of local surface inflow from Kane Wash and Boom Creek, and 205 af from washes (Wagner, 2011).

⁵ Represents the sum of Este (1,700 af), Oeste (1,500 af), Alto (68,500 af) and Baja (747 af from Kane Wash and Boom Creek, 205 af from washes).

⁶ Stamos, 2001 (USGS).

⁷ Inter subarea subsurface flows do not accrue to the total basin water supply.

⁸ Average make-up water purchases, 1995-2018.

⁹ Estimated from reported flows at USGS gaging station, Mojave River at Barstow (see note #2 above).

¹⁰ Based on USGS station Mojave River at Afton, CA (10263000) reported discharge for 1931, 1953-2018. Water Years 1979 and 1980 estimated by Mojave Basin Area Watermaster.

¹¹ 2018 Consumptive Use Analysis by Watermaster.

¹² Includes consumptive use of "Minimals Pool" (estimated Minimal's production is 7,077 af).

¹³ From USGS Water-Resources Investigation Report 96-4241 "Riparian Vegetation and Its Water Use During 1995 Along the Mojave River, Southern California" 1996.

¹⁴ Water production for 2017-18. Included in the production values are the estimated minimal producer's water use by Subarea.

¹⁵ Imported State Water Project water purchased by MWA is not reflected in the above table.

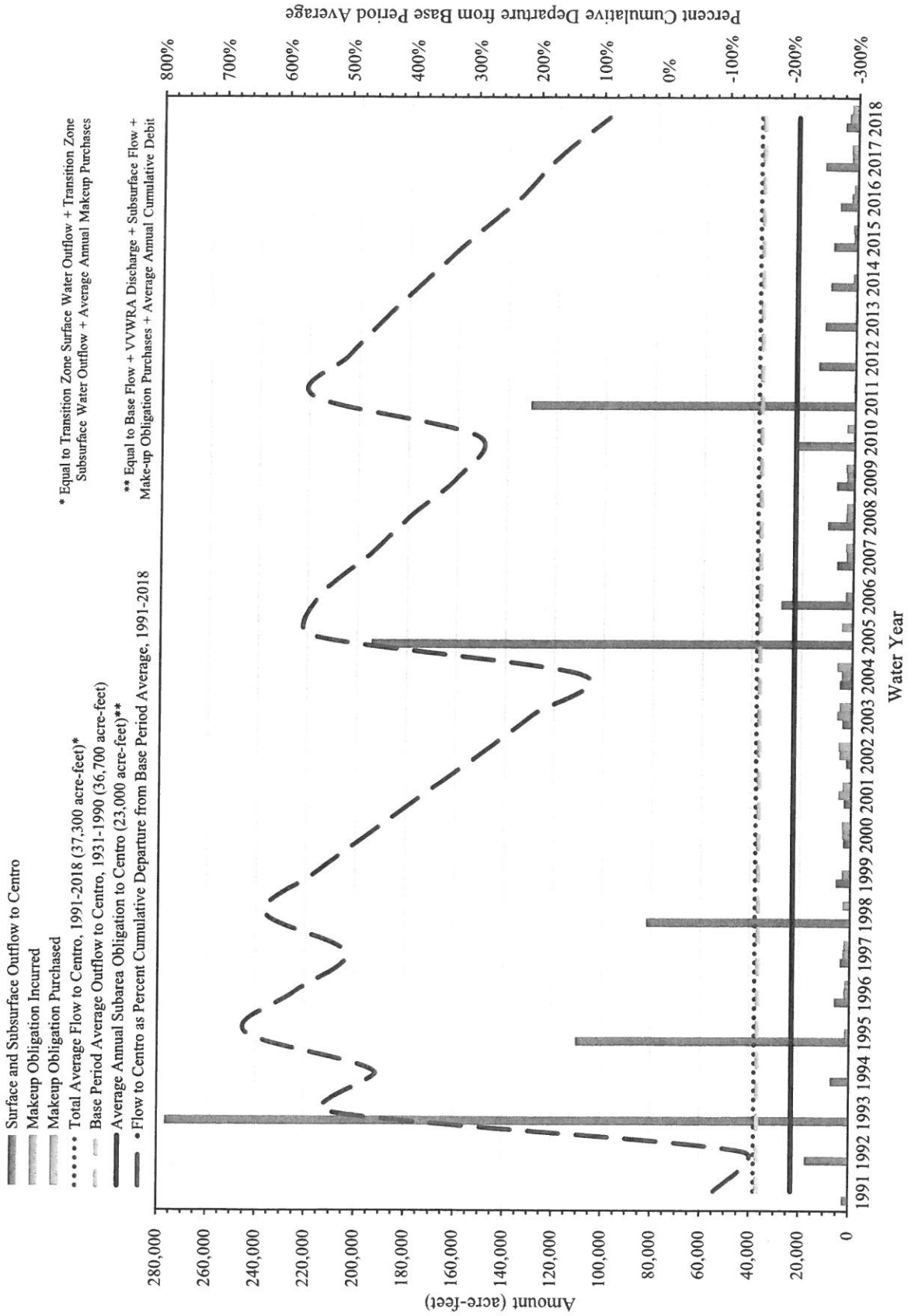
ATTACHMENT 2

**DRAFT Figure 3-10
Transition Zone Water Balance**

Water Years 1991-2018

FIGURE 3-10

Transition Zone Water Balance



ATTACHMENT 3

**Court Order to Investigate and
Provide Answers to Items 6(a)-(f)**

December 29, 2005

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5 Attorneys for Defendant/Cross-Complainant
6 **MOJAVE WATER AGENCY**

NO FEE PER GOV'T. CODE SEC. 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 09 2005



7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF RIVERSIDE**

10
11 CITY OF BARSTOW, et al.

12 Plaintiff,

13 vs.

14 CITY OF ADELANTO, et al.,

15 Defendant.

16 AND RELATED CROSS ACTIONS

CASE NO. 208568

17 } **[Proposed]**
ORDER GRANTING MOTION TO
ADJUST FREE PRODUCTION
ALLOWANCE IN THE BAJA
SUBAREA FOR WATER YEAR
2005-2006

Assigned for All Purposes to:
Judge E. Michael Kaiser, Dept. 3

18
19 On May 27, 2005, the Court heard the motion of Defendant/Cross-Complainant
20 Mojave Water Agency (MWA), acting in its capacity as Watermaster, to adjust the Free
21 Production Allowance (FPA) in the various Subareas. On June 15, 2005 the court issued its
22 ruling, but deferred any ruling on the recommendation for the Baja Subarea. The Court
23 directed MWA and the Baja Subarea Advisory Committee (BSAC) to meet and submit a
24 recommendation to the Court.

25 The above entitled action came on for hearing on September 9, 2005 before the
26 Honorable E. Michael Kaiser, Judge of the Superior Court, on the motion of
27 Defendant/Cross-Complainant, MWA, acting in its capacity as Watermaster, pursuant to the
28 Judgment entered January 10, 1996, Paragraph 24 (o), seeking an adjustment in FPA. The

[PROPOSED] ORDER GRANTING MOTION TO
ADJUST FREE PRODUCTION ALLOWANCE IN THE BAJA SUBAREA (2005-06)

1 court having reviewed and considered the moving, opposing, and reply papers, and the
2 arguments of counsel, and good cause appearing, hereby grants the motion on the following
3 terms as to the Baja Subarea defined in the Judgment of January 10, 1996 for Water Year
4 2005-2006.

5 **BAJA SUBAREA**

- 6 1. The Baja residents will work with the County of San Bernardino to encourage
7 enforcement of the provisions of Development Code Section 810.0605 -- 810.0615
8 restricting water use on fallowed lands for irrigation and development of recreational
9 lakes. The Watermaster supports the Baja residents in this endeavor.
- 10 2. Base Annual Production Rights (BAP) are to remain with the land(s) where water is
11 presently being used. This condition applies to all producers. Changes in purpose or
12 place of use will result in continued Rampdown pursuant to the terms of Judgment (to
13 the indicated Rampdown amount at the time of change). An individual farmer,
14 farming operation, or farming entity, may use its FPA (Carryover is subject to the
15 limitations outlined below) on any of its various fields currently in production, or any
16 fields that were subject to farming during the adjudicated Base Period (1986-1990).
17 All producers will have FPA set at 75% beginning October 1, 2005 for a period of
18 Ten (10) years except as otherwise stated herein.
- 19 3. Transfers will not be allowed for any purpose except as outlined below:
- 20 a) Substitution of one owner for another (a sale or some other transaction) with no
21 change in purpose or place of use and the subsequent production by the new
22 owner to be treated as if the original owner were still the producer.
- 23 b) Partial transfer of FPA or BAP will be allowed but the transferred portion to be
24 immediately ramped down to the then indicated Rampdown amount. The
25 remaining portion will remain at 75% as long as the purpose or place of use
26 does not change.
- 27 4. Carryover transfers of any kind are not allowed. Carryover may be used on the land(s)
28 where it originates, only by the current producer. Carryover can be accrued for two

1 years. All existing and current Producers of recirculated water (referred to as the
2 "Recreational Lakes"), in the Baja Subarea as defined in the Judgment and identified
3 in Table B-2 of Exhibit "B" of the Judgment shall continue to have the right under
4 Paragraph 34 of the Judgment and Exhibit "F" of the Judgment to purchase any
5 Carryover Right or any portion thereof pursuant to the rules and procedures set forth
6 in Exhibit "F". All Producers may continue to sell, assign, transfer, license, or lease
7 any Carryover Right or portion thereof to Recreational Lakes as provided in the
8 Judgment.

9 5. The Ten (10) Year Moratorium will be revisited by the Watermaster and the Court if it
10 is found that, 1) new agricultural production has been identified to be in non-
11 compliance with the San Bernardino County Development code relating to limiting
12 new production in the Baja area, or 2) if the annual production as recorded by the
13 Watermaster materially exceeds that of the 2003-04 Water Year. If such events are
14 demonstrated to have occurred, the Watermaster shall recalculate basin Free
15 Production Allowance and the necessary Rampdown needed to bring the Baja Subarea
16 into balance as required by the Judgment and will present these findings and
17 recommendations to the Court for Rampdown in the next Water Year.

18 6. MWA will examine and consider the following in the Baja Subarea:

- 19 a) The effect of continued upstream population growth on water supply of all
20 downstream users and Subareas.
- 21 b) The effect of continued improvements in flood control measures designed to
22 eliminate major fast-moving floods and to replace them with "trickle effect"
23 water to the Baja Subarea.
- 24 c) The effectiveness of the pipeline in improving groundwater levels through
25 replacement water.
- 26 d) If the "physical solution" was equitable to Baja and to determine the need for
27 make-up water to be supplied to Baja by upstream Subareas.
- 28 e) The accuracy of current measuring estimates of underground flow into the

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Baja.

f) An acceptably accurate estimate of the total groundwater storage in the Baja Subarea within 1,000 feet of surface and within 2,000 feet of surface.

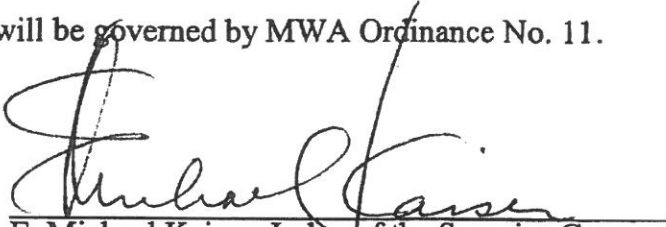
7. Watermaster shall publish a list of those producers who have FPA based upon the Alternative Rampdown Proposal adopted in this order and a list of producers whose FPA is determined by the terms of the Judgment entered January 10, 1996.

Watermaster shall publish the list not less than once each year.

8. In 2015 a recommendation and report will be made to the Court as to the need for Rampdown and other appropriate actions necessary to ensure water availability in the Baja Subarea.

9. Baja Subarea minimal producers will be governed by MWA Ordinance No. 11.

Date: 12-29, 2005



E. Michael Kaiser, Judge of the Superior Court

ATTACHMENT 4

**Court Order Stating Watermaster
Adequately Answered Items 6(a)-(f)**

September 8, 2008

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9 Attorneys for Defendant/Cross-Complainant
10 **MOJAVE WATER AGENCY**

NO FEE PER GOV'T. CODE SEC. 6103

FILED **RRE**
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
SEP 10 2008
[Signature]
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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF RIVERSIDE**

13 CITY OF BARSTOW, et al.
14 Plaintiff,

15 vs.

16 CITY OF ADELANTO, et al.,
17 Defendant.

CASE NO. 208568

[PROPOSED]
ORDER GRANTING MOTION TO
ADJUST FREE PRODUCTION
ALLOWANCE FOR WATER YEAR
2008-2009

Assigned for All Purposes to:
Judge Gloria Connor Trask, Dept. 1

18 **AND RELATED CROSS ACTIONS**

19 The above-entitled action came on regularly for hearing on July 18, 2008, before the
20 Honorable Gloria Connor Trask, Judge presiding, on the motion of Defendant/Cross-
21 Complainant, MOJAVE WATER AGENCY, acting in its capacity as Watermaster, to Adjust
22 Free Production Allowance for Water Year 2008-2009 pursuant to Paragraph 24(o) of the
23 Judgment entered January 10, 1996. The court having reviewed and considered all of the
24 pleadings filed by the parties, including the moving, opposing, and reply papers, and the
25 arguments of counsel and parties, and good cause appearing, hereby GRANTS the motion on
26 the following terms as to the Subareas defined in the Judgment of January 10, 1996 for the
27 Water Year 2008-2009:

28 ///

///

1 **ALTO SUBAREA**

2 1. Free Production Allowance (FPA) shall remain at 60% of Base Annual Production
3 (BAP) for Municipal and Industrial (M&I) producers.

4 2. FPA shall remain at 80% of BAP for Agricultural producers, i.e., those who
5 produce water for the irrigation of the crops, or as otherwise determined by Watermaster.

6 **BAJA SUBAREA**

7 The ten (10) year moratorium on rampdown imposed in the December 29, 2005 order is lifted
8 due to water production materially exceeding the production for the 2003-04 Water Year. Therefore,
9 FPA shall be set at 70% of BAP. Rampdown shall continue pursuant to the terms of the Judgment.
10 There shall be no limitations on transfers and only one year of Carryover will be allowed and any
11 accrued second year of Carryover allowed by the December 29, 2005 order shall expire effective the date
12 of this order. Baja shall return to the Judgment and its provisions as the operative management strategy.

13 **CENTRO SUBAREA**

14 FPA shall remain at 80% of BAP for both M&I and Agricultural producers.

15 **ESTE SUBAREA**

16 Rampdown is deferred and FPA shall continue to remain at 80% of BAP for both M&I
17 and Agricultural producers. However, deferred rampdown could be implemented upon further
18 order of the court following the Watermaster's request and motion seeking court approval which
19 could result in FPA being reduced to the level required by the Judgment at the time the Motion
20 is made.

21 **OESTE SUBAREA**

22 FPA shall remain at 80% of BAP for both M&I and Agricultural producers.

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The December 29, 2005 Court Order also directed Watermaster to answer certain questions as set forth in Paragraph 6 (a)-(f) in the Order. The Court finds that the questions in Paragraph 6 (a)-(f) of the Order have been adequately answered by the Watermaster and no further response is necessary.

IT IS SO ORDERED.

Date: Sept 8, 2008


Gloria Connor Trask,
Judge of the Superior Court