

OTAY WATER DISTRICT  
ENGINEERING, OPERATIONS & WATER RESOURCES COMMITTEE MEETING  
and  
SPECIAL MEETING OF THE BOARD OF DIRECTORS

2554 SWEETWATER SPRINGS BOULEVARD  
SPRING VALLEY, CALIFORNIA  
Board Room

**WEDNESDAY**  
**April 18, 2012**  
**11:30 A.M.**

This is a District Committee meeting. This meeting is being posted as a special meeting in order to comply with the Brown Act (Government Code Section §54954.2) in the event that a quorum of the Board is present. Items will be deliberated, however, no formal board actions will be taken at this meeting. The committee makes recommendations to the full board for its consideration and formal action.

**AGENDA**

1. ROLL CALL
2. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

**DISCUSSION ITEMS**

3. APPROVE THE ISSUANCE OF A PURCHASE ORDER TO 3T EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$117,062.48 FOR THE PURCHASE OF ONE (1) SEWER TELEVISIONING VAN (ANDERSON) [5 minutes]
4. APPROVE A PROFESSIONAL AS-NEEDED ELECTRICAL ENGINEERING SERVICES CONTRACT TO BSE ENGINEERING, INC. IN AN AMOUNT NOT-TO-EXCEED \$100,000 FOR FISCAL YEARS 2013 AND 2014 (KAY) [5 minutes]
5. APPROVE A PROFESSIONAL AS-NEEDED TRAFFIC ENGINEERING SERVICES CONTRACT TO DARNELL & ASSOCIATES, INC. IN AN AMOUNT NOT-TO-EXCEED \$125,000 FOR FISCAL YEARS 2013 AND 2014 (CAMERON) [5 minutes]
6. APPROVE A CONSULTING SERVICES AGREEMENT WITH SILVA SILVA INTERNATIONAL, LLC IN AN AMOUNT NOT-TO-EXCEED \$104,000 FOR FISCAL YEARS 2012, 2013 AND 2014 (ENDING JUNE 2014) FOR PROFESSIONAL CONSULTING WORK RELATED TO THE OTAY MESA DESALINATION FACILITY CONVEYANCE AND DISINFECTION SYSTEM PROJECT (WATTON) [5 minutes]

7. APPROVE RESOLUTION NO. 4194 TO INITIATE PROCEEDINGS WITH THE LOCAL AGENCY FORMATION COMMISSION FOR THE ANNEXATION OF PEACEFUL VALLEY RANCH, LLC PARCELS (APN NOs: 597-070-02, 597-070-07 AND 597-050-13) TO THE SAN DIEGO COUNTY WATER AUTHORITY AND METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (KENNEDY) [10 minutes]
8. SAN DIEGO COUNTY WATER AUTHORITY UPDATE (WATTON) [10 minutes]
9. ADJOURNMENT

BOARD MEMBERS ATTENDING:

Gary Croucher, Chair  
Jose Lopez

All items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

The Agenda, and any attachments containing written information, are available at the District's website at [www.otaywater.gov](http://www.otaywater.gov). Written changes to any items to be considered at the open meeting, or to any attachments, will be posted on the District's website. Copies of the Agenda and all attachments are also available through the District Secretary by contacting her at (619) 670-2280.

If you have any disability that would require accommodation in order to enable you to participate in this meeting, please call the District Secretary at 670-2280 at least 24 hours prior to the meeting.

Certification of Posting

I certify that on April 13, 2012 I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of Otay Water District, said time being at least 24 hours in advance of the meeting of the Board of Directors (Government Code Section §54954.2).

Executed at Spring Valley, California on April 13, 2012.

\_\_\_\_\_/s/ Susan Cruz, District Secretary\_\_\_\_\_



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	May 2, 2012
SUBMITTED BY:	Frank Anderson, Utility Services Manager	PROJECT:	DIV. NO.
APPROVED BY:	<input checked="" type="checkbox"/> Pedro Porras, Chief, Water Operations <input checked="" type="checkbox"/> German Alvarez, Asst. General Manager <input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	Approval to Purchase Sewer Televising Van		

### GENERAL MANAGER'S RECOMMENDATION:

That the Board authorize the General Manager to issue a purchase order to 3T Equipment Company Inc. in the amount of \$117,062.48 for the purchase of one (1) Sewer Televising Van.

### COMMITTEE ACTION:

See Attachment "A".

### PURPOSE:

To obtain Board authorization to purchase a Sewer Televising Van.

### ANALYSIS:

Included in the approved FY 2012 budget is one (1) new Sewer Televising Van.

The Sewer Televising Van is a new vehicle scheduled to be utilized by the Utility Maintenance Staff.

In 2006, the State Water Resources Control Board adopted a State General Waste Discharge Requirement (WDR) for any agency that owns and operates a sanitary sewer system. A component of the WDR requires a Sewer System Management Plan (SSMP) that

emphasizes "Routine Condition Assessment" of the sewer system. Part of this assessment includes sewer line televising that ensures proper investigation, maintenance and repair of the sanitary sewer system. This would be consistent with the SSMP that requires that each collection system agency identify and prioritize structural deficiencies.

In addition, the televising of the District's collection system is a functional assessment of current conditions of sewer pipes in regards to maintenance and cleaning. Common factors that compromise the integrity of the gravity sewer system includes sags in pipes, tree root intrusion, the introduction of cooking grease from commercial and residential customers along with other miscellaneous items introduced into the sewer system. Consequently, common sewer maintenance practice includes the cleaning of sewer lines with above mentioned issues and prompt follow-up televising to ensure the line(s) were properly cleaned and free of obstructions. These obstructions could cause a sewer back-up into commercial and residential customers' private sewer laterals and/or sewer overflows from District sewer mains that discharge into the environment. Sewer overflows are prohibited by the California Regional Water Quality Control Board, San Diego Section.

Over the past three years, prior contracts to televise and document the wastewater collection system totaled \$685,100. Cost per-foot prices ranged from \$1.41 per foot to \$3.50 per foot. This cost was for scheduled sewer televising work with, at times delays of numerous days before work was performed. Televising reports from the contractor were delivered with requested maintenance and cleaning actions that were already completed. Current televising costs by a contractor with a 48-hour response is about \$2.75 per lineal foot.

Currently, our sewer system is approximately 82 miles of sewer lines at \$2.75 per foot equates to 1.19 million dollars to inspect the entire sewer system. Additional efficiency benefits include one-day turnaround of televising affected sections of the wastewater collection system that includes in-house staff televising costs of \$1.26 per foot. The process of cleaning and televising sewer lines will allow for regulatory WDR and SSMP compliance with the District emphasis of zero overflows.

In-house sewer televising will also greatly benefit sewer line CIP replacement projects as internal video inspection allows for precise replacement forecasts.

Purchase price before taxes includes vehicle \$24,500.00, televising equipment, delivery, warranty and training totals of \$84,143.14 for a total purchase price of \$108,643.14. Attached are pictures of the van and televising equipment.

The sewer televising equipment package includes sewer camera, camera transporter, 1,000 feet of single conductor-steel armored cable, portable generator to reduce fuel consumption, computer and computer related sewer inspection software that is compatible with the District's software.

The warranty includes two years on the camera and transporter, a five-year warranty of the reel and cable with a lifetime warranty on the camera LED lighting. 3-T equipment company also provides a free lifetime loaner program when televising equipment is being serviced. Their service location is in Montclair near Ontario, CA.

3-T supplies on-site training of three days if needed with as many Otay staff members as the District selects. The training cost is inclusive in the total bid cost. Training includes maintenance and operation of the televising equipment. Maintenance usually consists of cleaning, inspecting, tightening of connectors and lubrication of moving parts. We expect to train four staff members which include one crew leader, two Sr. Utility/Equipment Operators and one Utility Worker. Normal staffing for televising of the sewer system should consist of one Sr. Utility/Operator and one Utility Worker.

In accordance with District policy, bids were solicited for the Sewer Televising Van. Three bids were received. Prices received include all applicable fees and taxes and delivery.

<b>Dealer</b>	<b>Vehicle Bid</b>	<b>Bid Price</b>
3-T Equipment Company	F-350 Class Sewer Televising Van	\$117,062.48
Mission Valley Trucks	F-350 Class Sewer Televising Van	\$118,471.12
RST Technical Services	F-350 Class Sewer Televising Van	\$132,655.44

**FISCAL IMPACT:**       Joe Beachem, Chief Financial Officer

Projected purchase budget for this vehicle is \$130,000. The purchase of this vehicle will cost \$117,062.48 which will be charged against the Vehicle Replacement CIP p2282. The total cost in this account will not exceed budgeted funding.

The total FY12 project budget for the CIP p2282 Vehicle Replacement is \$395,000. Existing expenditures and current encumbrances for the CIP, including the vehicle purchased under this request if approved, are \$324,754.44. This will complete the purchases from this account for this fiscal year.

Based on the Utility Service Manager's evaluation, the CIP 2282 budget is sufficient to complete the budgeted purchase.

The Finance Department has determined that 100% of the funds are available from the sewer betterment and sewer replacement funds.

Expenditure Summary:

FY12 Vehicle Replacement CIP 2282 Budget:	\$395,000.00
FY12 Expenditures and Encumbrances to Date: Vehicle Replacement of existing fleet.	\$207,691.96
Proposed Vehicle Purchase:	\$117,062.48
Projected Expenditures of Vehicle Replacement FY12 CIP 2282 Budget:	\$324,754.44

**STRATEGIC GOAL:**

Operate the system to meet demand twenty-four hours a day, seven days a week.

**LEGAL IMPACT:** \_\_\_\_\_

None.

Attachment "A", Committee Action



## ATTACHMENT A

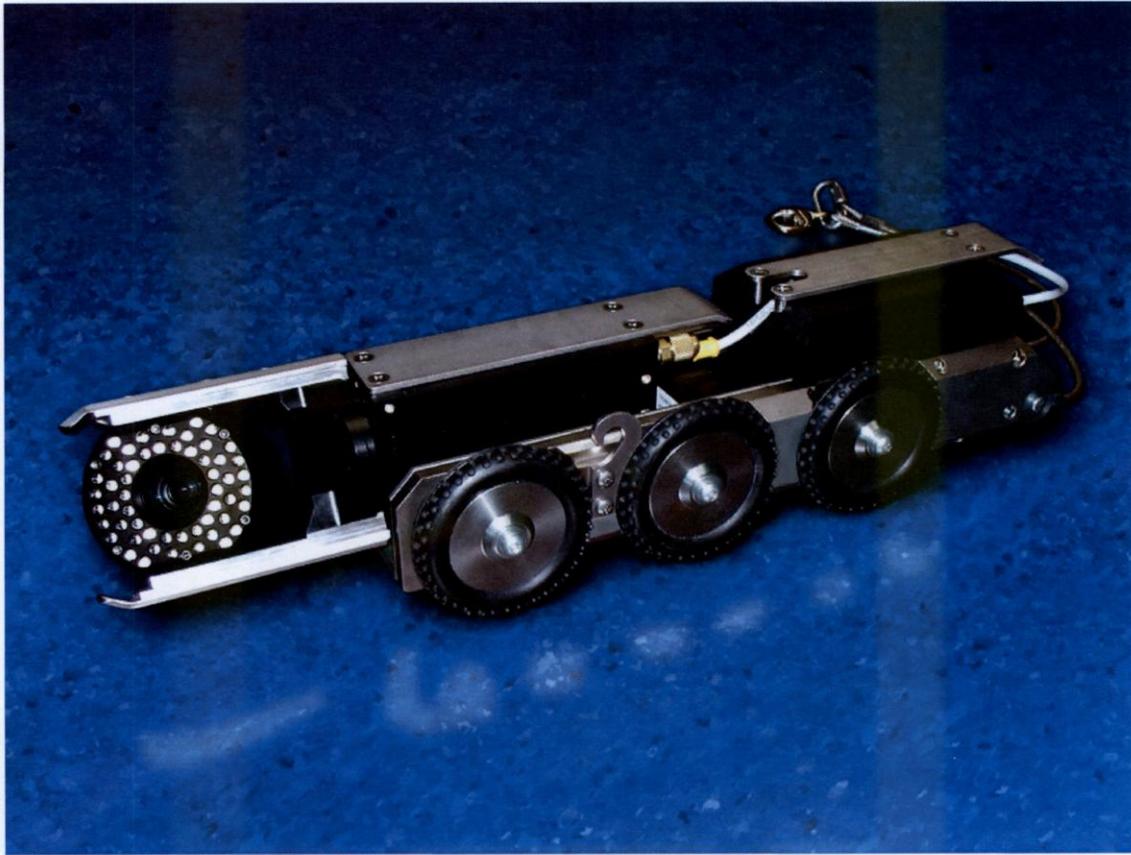
<b>SUBJECT/PROJECT:</b>	Approval to Purchase a Class 4 Service Line Truck
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### COMMITTEE ACTION:

The Finance, Administration and Communications Committee met on April 18, 2012 and supported staffs' recommendation.

### NOTE:

The "Committee Action" is written in anticipation of the Committee moving the item forward for board approval. This report will be sent to the Board as a committee approved item, or modified to reflect any discussion or changes as directed from the committee prior to presentation to the full board.





*Design and Manufacture of Pipeline Inspection Equipment*

## Standard Van



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The streamlined design of the **Standard Van** from RST allows ease and accessibility throughout. The interior is divided into three areas: a driver area, operator control room with a tool cabinet and outside door, and an equipment room outfitted with space saving storage compartments for system accessories.

All TV control components are modular in design and are mounted for quick and easy operator inspection, adjustment and servicing.

# AGENDA ITEM 4



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	May 2, 2012
	Daniel Kay Associate Civil Engineer	PROJECT:	Various DIV.NO. All
SUBMITTED BY:	Ron Ripperger Engineering Manager		
	<input checked="" type="checkbox"/> Rod Posada, Chief of Engineering		
APPROVED BY:	<input checked="" type="checkbox"/> German Alvarez, Assistant General Manager		
	<input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	Award of As-Needed Electrical Engineering Services Contract for Fiscal Years 2013 and 2014		

### **GENERAL MANAGER'S RECOMMENDATION:**

That the Otay Water District (District) Board of Directors (Board) awards a professional As-Needed Electrical Engineering Services contract to BSE Engineering, Inc. and authorizes the General Manager to execute an agreement with BSE Engineering in an amount not-to-exceed \$100,000 for Fiscal Years 2013 and 2014.

### **COMMITTEE ACTION:**

Please see Attachment A.

### **PURPOSE:**

To obtain Board authorization for the General Manager to enter into a professional As-Needed Electrical Engineering Services agreement with BSE Engineering in an amount not-to-exceed \$100,000 for Fiscal Years 2013 and 2014. The termination date for the professional services agreement will be June 30, 2014.

**ANALYSIS:**

The District will require the services of a professional electrical engineering consultant to provide electrical and instrumentation designs in support of CIP projects for Fiscal Years 2013 and 2014. It is more efficient and cost effective to issue an as-needed contract for the electrical engineering services which will provide the District with the ability to obtain consulting services in a timely and efficient manner. This concept has also been used in the past for other disciplines such as civil engineering, geotechnical, traffic, and environmental services.

The District will issue task orders to the consultant for specific projects during the contract period. The consultant will then prepare a detailed scope of work, schedule, and fee estimate for each task order assigned under the contract. Upon written task order authorization from the District, the consultant shall then proceed with the project as described in the scope of work.

The anticipated CIP projects that are estimated to require electrical engineering services for Fiscal Years 2013 and 2014 are listed below:

<b>CIP</b>	<b>DESCRIPTION</b>	<b>ESTIMATED COST</b>
P2083	870-2 Pump Station Replacement	\$30,000
P2190	10-Inch, 1485 Zone Jamul Highlands Pipeline	\$5,000
P2518	803-3 Reservoir Interior/Exterior Coating (Electrical Upgrades)	\$5,000
P2519	832-2 Reservoir Interior/Exterior Coating (Electrical Upgrades)	\$5,000
R2048	Otay Mesa Distribution Pipelines	\$20,000
S2023	Sewer System Improvements at Various Locations	\$5,000
TBD	30-Inch Potable Water Pipeline Manifold	\$20,000
	<b>TOTAL:</b>	<b>\$90,000</b>

The contract is for an amount not-to-exceed \$100,000 for all task orders. Fees for professional services will be charged to the CIP projects for which the electrical engineering services are performed. The electrical engineering services' scopes of work for the above projects are estimated from preliminary information and past projects. Therefore, staff believes that a \$100,000 cap on the As-Needed Electrical Engineering Services contract is adequate, while still providing for any unanticipated work that may become necessary.

This As-Needed Electrical Engineering Services contract does not commit the District to any expenditure until a task order is approved to perform work on a CIP project. The District does not guarantee work to the consultant, nor does the District guarantee that it will expend all of the funds authorized by the contract on professional services.

The District solicited electrical engineering services by placing an advertisement on the Otay Water District's website and the San Diego Daily Transcript on February 23, 2012. Six (6) firms submitted a letter of interest and a statement of qualifications. The Request for Proposal (RFP) for As-Needed Electrical Engineering Services was sent to all six (6) firms resulting in four (4) proposals received on March 15, 2012. They are as follows:

- Engineering Partners Inc.
- BSE Engineering Inc.
- Elen Consulting
- Lee & Ro Inc.

G4 Engineering and Turpin & Rattan chose not to propose.

In accordance with the District's Policy 21, staff evaluated and scored all written proposals. BSE Engineering received the highest score for their services based on their experience, understanding of the scope of work, proposed method to accomplish the work, and their composite hourly rate. BSE Engineering was the most qualified consultant with the best overall proposal. They are a highly rated company and are readily available to provide the services required. A summary of the complete evaluation is shown in Attachment B. BSE Engineering also completed the Company Background Questionnaire which showed no outstanding issues. The Questionnaire is shown in Attachment C.

**FISCAL IMPACT:**  Joe Beachem, Chief Financial Officer

The funds for this contract will be expended from a variety of projects, as previously noted above. The fees for professional services requested herein are available in the authorized CIP project budgets. This contract is for as-needed professional services based on the District's need and schedule, and expenditures will not be made until a task order is approved by the District for the consultant's services on a specific CIP project.

Based on a review of the financial budgets, the Project Manager anticipates that the budgets will be sufficient to support the

professional as-needed consulting services required for the CIP projects noted above.

The Finance Department has determined that the funds to cover this contract are available as budgeted for these projects.

**STRATEGIC GOAL:**

This Project supports the District's Mission statement, "To provide customers with the best quality water, wastewater, and recycled water service in a professional, effective, and efficient manner."

**LEGAL IMPACT:**

None.

DK/RR:jf

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Attachments: Attachment A - Committee Action  
Attachment B - Summary of Proposal Rankings  
Attachment C - Company Background Questionnaire



## ATTACHMENT A

<b>SUBJECT/PROJECT:</b> Various	Award of As-Needed Electrical Engineering Services Contract for Fiscal Years 2013 and 2014
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### **COMMITTEE ACTION:**

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on April 18, 2012. The Committee supported Staff's recommendation.

### **NOTE:**

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a Committee approved item, or modified to reflect any discussion or changes as directed from the Committee prior to presentation to the full Board.

**ATTACHMENT B  
SUMMARY OF PROPOSAL RANKINGS  
As-Needed Electrical Design**

		WRITTEN							REFERENCES	
		Qualifications of Staff	Understanding of Scope, Schedule and Resources	Soundness and Viability of Proposed Project Plan	INDIVIDUAL SUBTOTAL - WRITTEN	AVERAGE SUBTOTAL - WRITTEN	Proposed Rates*	Consultant's Commitment to DBE		TOTAL SCORE
<b>MAXIMUM POINTS</b>		<b>30</b>	<b>25</b>	<b>30</b>	<b>85</b>	<b>85</b>	<b>15</b>	<b>Y/N</b>	<b>100</b>	<b>Poor/Good/Excellent</b>
<b>Engineering Partners</b>	<i>Ron Ripperger</i>	26	23	25	74	76	11	Y	87	
	<i>Jeff Machioro</i>	27	24	26	77					
	<i>Kevin Cameron</i>	28	24	26	78					
	<i>Brandon DiPietro</i>	28	24	26	78					
	<i>Don Anderson</i>	25	22	25	72					
<b>BSE Engineering</b>	<i>Ron Ripperger</i>	26	23	23	72	76	13	Y	89	EXCELLENT
	<i>Jeff Machioro</i>	27	23	25	75					
	<i>Kevin Cameron</i>	27	24	28	79					
	<i>Brandon DiPietro</i>	26	22	27	75					
	<i>Don Anderson</i>	28	22	27	77					
<b>Elen Consulting</b>	<i>Ron Ripperger</i>	25	23	23	71	71	15	Y	86	
	<i>Jeff Machioro</i>	22	22	24	68					
	<i>Kevin Cameron</i>	25	22	25	72					
	<i>Brandon DiPietro</i>	27	21	26	74					
	<i>Don Anderson</i>	26	22	24	72					
<b>Lee &amp; Ro, Inc.</b>	<i>Ron Ripperger</i>	28	23	25	76	77	1	Y	78	
	<i>Jeff Machioro</i>	28	24	28	80					
	<i>Kevin Cameron</i>	28	23	27	78					
	<i>Brandon DiPietro</i>	28	22	27	77					
	<i>Don Anderson</i>	26	23	27	76					

RATES SCORING CHART			
Consultant	Rate	Position	Score
Elen Consulting	\$680	lowest	15
BSE Engineering	\$720		13
Engineering Partners	\$751		11
Lee & Ro Inc.	\$963	highest	1

*The fees were evaluated by comparing rates for seven positions. The sum of these seven rates are noted on the table above.*

*\*Review Panel does not see or consider rates when scoring other categories. Rates are scored by the PM, who is not on Review Panel.*

# ATTACHMENT C

## COMPANY BACKGROUND QUESTIONNAIRE

Company Name: BSE Engineering, Inc.

Person Completing Form (Print): Alan J. Brown

Signature:  Date: 3/15/12

Title: Vice President/CFO Phone Number: 858-279-2000

**IMPORTANT: Falsifying information or failure to provide known information could jeopardize or delay award of a contract.**

### 1. COMPANY HISTORY

	Yes	No
1. Have there been any previous changes to the company name or changes in ownership that have occurred within the past ten (10) years?		X
2. Has any owner or officer of the company operated as a consultant under any other name or license number in the last ten (10) years?		X
3. Is your company a subsidiary, parent, holding company or affiliate of another company?		X

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, previous company name and/or number, date of name change, date of change in ownership.

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## 2. COMPANY FINANCIAL RECORD

	Yes	No
1. Was your company in bankruptcy at any time during the last ten (10) years or currently filing for bankruptcy?		X

If 'Yes' to the above provide details on the lines below including, but not limited to, case number, bankruptcy court, and the date the petition was filed.

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## 3. CIVIL COURT ACTIONS

	Yes	No
1. Has your company, or any owner or officer of your company, ever been found liable in a civil suit?		X
2. Have there been any judgments against your company or any owner or officer of your company within the past ten (10) years?		X
3. In the past ten (10) years, has your company or any owner or officer of your company made any claim in excess of \$50,000 against a project owner and filed that claim in court or arbitration?		X
4. In the past ten (10) years, have there been any claims in excess of \$50,000 that have been filed in court or arbitration against your company?		X

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, project name, date of the claim, name of the claimant, name of the entity (or entities) against whom the claim was filed, brief description of the claim, the court and case number, if applicable, brief description of the status (i.e. pending, resolved, a description of the resolution, etc.).

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**4. CRIMINAL ACTIONS**

	Yes	No
1. Has your company or any owner or officer of your company ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?		X
2. Has your company or any owner or officer of your company ever been found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?		X
3. Has any state or local agency taken any disciplinary action against your company or any owner or officer of your company?		X

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, the person or persons convicted, the name of the victim, the date of conviction, the court and case number, the crime and year convicted.

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**5. CONTRACT AWARD**

	Yes	No
1. Has your company ever been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?		X
2. In the past ten (10) years, has your company or any owner or officer of your company been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?		X

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, year of the event, the owner, the project, entity denying the award, the basis for the finding by the public agency, name of the organization debarred.

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# AGENDA ITEM 5



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	May 2, 2012
	Kevin Cameron Assistant Civil Engineer	PROJECT:	Various DIV.NO. All
SUBMITTED BY:	Ron Ripperger Engineering Manager		
	<input checked="" type="checkbox"/> Rod Posada, Chief of Engineering		
	<input checked="" type="checkbox"/> German Alvarez, Assistant General Manager		
APPROVED BY:	<input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	Award of As-Needed Traffic Engineering Services Contract for Fiscal Years 2013 and 2014		

### **GENERAL MANAGER'S RECOMMENDATION:**

That the Otay Water District (District) Board of Directors (Board) awards a professional As-Needed Traffic Engineering Services contract to Darnell & Associates, Inc. (Darnell) and authorizes the General Manager to execute an agreement with Darnell in an amount not-to-exceed \$125,000 for Fiscal Years 2013 and 2014.

### **COMMITTEE ACTION:**

Please see Attachment A.

### **PURPOSE:**

To obtain Board authorization for the General Manager to enter into a professional As-Needed Traffic Engineering Services agreement with Darnell in an amount not-to-exceed \$125,000 for Fiscal Years 2013 and 2014. The termination date for the professional services agreement will be June 30, 2014.

**ANALYSIS:**

The District will require the services of a professional traffic engineering consultant to provide as-needed traffic control plans, traffic signal modification plans, striping plans, and traffic control permit work in support of the CIP projects for Fiscal Years 2013 and 2014. It is more efficient and cost effective to issue an as-needed contract for the traffic engineering services which will provide the District with the ability to obtain consulting services in a timely and efficient manner. This concept has also been used in the past for other disciplines such as civil engineering, geotechnical, electrical, and environmental services.

The District will issue task orders to the consultant for specific projects during the contract period. The consultant will then prepare a detailed scope of work, schedule, and fee estimate for each task order assigned under the contract. Upon written task order authorization from the District, the consultant shall then proceed with the project as described in the scope of work.

The anticipated CIP projects that are estimated to require traffic engineering services for Fiscal Years 2013 and 2014 are listed below:

<b>CIP</b>	<b>DESCRIPTION</b>	<b>ESTIMATED COST</b>
S2024	Campo Road Sewer Main Replacement	\$35,000
S2028	Explorer Way 8-inch Sewer Main Replacement	\$5,000
S2029	Chase Avenue 8-inch Sewer Main Replacement	\$10,000
S2030	Avocado Blvd 8-Inch Sewer Main Replacement	\$10,000
S2031	Julianna Street 8-inch Sewer Main Replacement	\$10,000
S2032	Puebla Drive 8-inch Sewer Main Replacement	\$10,000
S2033	Sewer System Various Locations Rehabilitation	\$20,000
	<b>TOTAL:</b>	<b>\$100,000</b>

The contract is for an amount not-to-exceed \$125,000 for all task orders. Fees for professional services will be charged to the CIP projects for which the traffic engineering services are performed. The traffic engineering services' scopes of work for the above projects are estimated from preliminary information and past projects. Therefore, staff believes that a \$125,000 cap on the As-Needed Traffic Engineering Services contract is adequate, while still providing for any unanticipated work that may become necessary.

This As-Needed Traffic Engineering Services contract does not commit the District to any expenditure until a task order is approved to perform work on a CIP project. The District does not guarantee work

to the consultant, nor does the District guarantee that it will expend all of the funds authorized by the contract on professional services.

The District solicited traffic engineering services by placing an advertisement on the Otay Water District's website and the San Diego Daily Transcript on February 23, 2012. Nine (9) firms submitted a letter of interest and a statement of qualifications. The Request for Proposal (RFP) for As-Needed Traffic Engineering Services was sent to all nine (9) firms resulting in eight (8) proposals received on March 20, 2012. They are as follows:

- KOA Corporation
- Darnell & Associates, Inc.
- Minagar & Associates, Inc.
- Linscott, Law & Greenspan, Engineers
- Rick Engineering Company
- RBF Consulting
- Lin Consulting
- Iteris

One firm, VRPA Technologies, Inc., received the RFP, but elected not to propose.

In accordance with the District's Policy 21, staff evaluated and scored all written proposals. Darnell received the highest score for their services based on their experience, understanding of the scope of work, proposed method to accomplish the work, and their composite hourly rate. Darnell was the most qualified consultant with the best overall proposal. They are a highly rated company and are readily available to provide the services required. A summary of the complete evaluation is shown in Attachment B. Darnell also completed the Company Background Questionnaire which showed no outstanding issues. The Questionnaire is shown in Attachment C.

**FISCAL IMPACT:**  Joe Beachem, Chief Financial Officer

The funds for this contract will be expended from a variety of projects, as previously noted above. The fees for professional services requested herein are available in the authorized CIP project budgets. This contract is for as-needed professional services based on the District's need and schedule, and expenditures will not be made until a task order is approved by the District for the consultant's services on a specific CIP project.

Based on a review of the financial budgets, the Project Manager anticipates that the budgets will be sufficient to support the professional as-needed consulting services required for the CIP projects noted above.

The Finance Department has determined that the funds to cover this contract are available as budgeted for these projects.

**STRATEGIC GOAL:**

This Project supports the District's Mission statement, "To provide customers with the best quality water, wastewater, and recycled water service in a professional, effective, and efficient manner." This Project fulfills the District's Strategic Goal No. 1: CUSTOMER - Deliver high quality services to meet customer needs, and increase confidence of the customer in the value the District provides.

**LEGAL IMPACT:**

None.

KC/RR:jf

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- Attachments:     Attachment A - Committee Action  
                     Attachment B - Summary of Proposal Rankings  
                     Attachment C - Company Background Questionnaire



## ATTACHMENT A

<b>SUBJECT/PROJECT:</b> Various	Award of As-Needed Traffic Engineering Services Contract for Fiscal Years 2013 and 2014
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### **COMMITTEE ACTION:**

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on April 18, 2012. The Committee supported Staff's recommendation.

### **NOTE:**

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a Committee approved item, or modified to reflect any discussion or changes as directed from the Committee prior to presentation to the full Board.

**ATTACHMENT B  
SUMMARY OF PROPOSAL RANKINGS  
As-Needed Traffic Engineering**

		WRITTEN							REFERENCES	
		Qualifications of Staff	Understanding of Scope, Schedule and Resources	Soundness and Viability of Proposed Project Plan	INDIVIDUAL SUBTOTAL - WRITTEN	AVERAGE SUBTOTAL - WRITTEN	Proposed Rates*	Consultant's Commitment to DBE		TOTAL SCORE
<b>MAXIMUM POINTS</b>		<b>30</b>	<b>25</b>	<b>30</b>	<b>85</b>	<b>85</b>	<b>15</b>	<b>Y/N</b>	<b>100</b>	<b>Poor/Good/Excellent</b>
<b>KOA Corporation</b>	<i>Bob Kennedy</i>	24	20	24	68	74	14	Y	88	
	<i>Rick Acuna</i>	25	21	22	68					
	<i>Ron Ripperger</i>	26	23	27	76					
	<i>Jeff Marchioro</i>	26	23	28	77					
	<i>Daniel Kay</i>	27	24	28	79					
<b>Darnell &amp; Associates, Inc.</b>	<i>Bob Kennedy</i>	29	24	29	82	79	11	Y	90	Excellent
	<i>Rick Acuna</i>	29	24	26	79					
	<i>Ron Ripperger</i>	28	24	28	80					
	<i>Jeff Marchioro</i>	28	23	27	78					
	<i>Daniel Kay</i>	28	23	27	78					
<b>Minagar &amp; Associates, Inc.</b>	<i>Bob Kennedy</i>	21	20	20	61	69	15	Y	84	
	<i>Rick Acuna</i>	26	23	25	74					
	<i>Ron Ripperger</i>	26	20	25	71					
	<i>Jeff Marchioro</i>	27	15	26	68					
	<i>Daniel Kay</i>	24	22	25	71					
<b>Linscott, Law &amp; Greenspan, (LLG) Engineers</b>	<i>Bob Kennedy</i>	25	21	25	71	75	12	Y	87	
	<i>Rick Acuna</i>	27	23	25	75					
	<i>Ron Ripperger</i>	28	24	28	80					
	<i>Jeff Marchioro</i>	25	20	25	70					
	<i>Daniel Kay</i>	28	23	27	78					
<b>Rick Engineering Company</b>	<i>Bob Kennedy</i>	26	22	26	74	75	13	Y	88	
	<i>Rick Acuna</i>	27	22	27	76					
	<i>Ron Ripperger</i>	26	23	26	75					
	<i>Jeff Marchioro</i>	26	22	26	74					
	<i>Daniel Kay</i>	27	24	27	78					
<b>RBF Consulting</b>	<i>Bob Kennedy</i>	27	23	27	77	75	1	Y	76	
	<i>Rick Acuna</i>	27	20	25	72					
	<i>Ron Ripperger</i>	26	23	26	75					
	<i>Jeff Marchioro</i>	25	20	26	71					
	<i>Daniel Kay</i>	26	24	29	79					
<b>Lin Consulting, Inc.</b>	<i>Bob Kennedy</i>	22	20	22	64	69	11	Y	80	
	<i>Rick Acuna</i>	26	20	25	71					
	<i>Ron Ripperger</i>	26	20	25	71					
	<i>Jeff Marchioro</i>	26	21	25	72					
	<i>Daniel Kay</i>	23	21	25	69					
<b>Iteris</b>	<i>Bob Kennedy</i>	23	20	23	66	73	7	Y	80	
	<i>Rick Acuna</i>	23	23	25	71					
	<i>Ron Ripperger</i>	27	22	26	75					
	<i>Jeff Marchioro</i>	27	23	26	76					
	<i>Daniel Kay</i>	26	23	26	75					

RATES SCORING CHART			
Consultant	Rate	Position	Score
Minagar & Associates Inc.	\$444	lowest	15
KOA Corporation	\$460		14
Rick Engineering	\$485		13
LLG Engineers	\$495		12
Darnell & Associates, Inc.	\$510		11
Lin Consulting, Inc.	\$510		11
Iteris	\$590		7
RBF Consulting	\$700	highest	1

The fees were evaluated by comparing rates for five positions. The sum of these five rates are noted on the table above.

\*Review Panel does not see or consider rates when scoring other categories. Rates are scored by the PM, who is not on Review Panel.

# ATTACHMENT C

## COMPANY BACKGROUND QUESTIONNAIRE

Company Name: Darnell & Associates Inc  
 Person Completing Form (Print): Bill E. Darnell  
 Signature: Bill E. Darnell Date: 3/19/2012  
 Title: President Phone Number: 619-233-9373

**IMPORTANT: Falsifying information or failure to provide known information could jeopardize or delay award of a contract.**

### 1. COMPANY HISTORY

	Yes	No
1. Have there been any previous changes to the company name or changes in ownership that have occurred within the past ten (10) years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Has any owner or officer of the company operated as a consultant under any other name or license number in the last ten (10) years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is your company a subsidiary, parent, holding company or affiliate of another company?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, previous company name and/or number, date of name change, date of change in ownership.

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**2. COMPANY FINANCIAL RECORD**

	Yes	No
1. Was your company in bankruptcy at any time during the last ten (10) years or currently filing for bankruptcy?		X

If 'Yes' to the above provide details on the lines below including, but not limited to, case number, bankruptcy court, and the date the petition was filed.

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**3. CIVIL COURT ACTIONS**

	Yes	No
1. Has your company, or any owner or officer of your company, ever been found liable in a civil suit?		X
2. Have there been any judgments against your company or any owner or officer of your company within the past ten (10) years?		X
3. In the past ten (10) years, has your company or any owner or officer of your company made any claim in excess of \$50,000 against a project owner and filed that claim in court or arbitration?		X
4. In the past ten (10) years, have there been any claims in excess of \$50,000 that have been filed in court or arbitration against your company?		X

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, project name, date of the claim, name of the claimant, name of the entity (or entities) against whom the claim was filed, brief description of the claim, the court and case number, if applicable, brief description of the status (i.e. pending, resolved, a description of the resolution, etc.).

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**4. CRIMINAL ACTIONS**

	Yes	No
1. Has your company or any owner or officer of your company ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?		X
2. Has your company or any owner or officer of your company ever been found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?		X
3. Has any state or local agency taken any disciplinary action against your company or any owner or officer of your company?		X

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, the person or persons convicted, the name of the victim, the date of conviction, the court and case number, the crime and year convicted.

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**5. CONTRACT AWARD**

	Yes	No
1. Has your company ever been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?		X
2. In the past ten (10) years, has your company or any owner or officer of your company been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?		X

If 'Yes' to any of the above provide details for each on the lines below including, but not limited to, year of the event, the owner, the project, entity denying the award, the basis for the finding by the public agency, name of the organization debarred.

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# AGENDA ITEM 6



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	May 2, 2012
SUBMITTED BY:	Mark Watton General Manager	PROJECT:	P2451- DIV. NO. 2 001101
APPROVED BY:	<input checked="" type="checkbox"/> Mark Watton, General Manager		
SUBJECT:	Award of a Consulting Services Contract for Professional Consulting Work Related to the Otay Mesa Conveyance and Disinfection System Project for Fiscal Years 2012, 2013, and 2014		

### **GENERAL MANAGER'S RECOMMENDATION:**

That the Otay Water District (District) Board of Directors (Board) authorizes the General Manager to execute a Consulting Services Agreement with Silva Silva International LLC (SSI) in an amount not-to-exceed \$104,000 for Fiscal Years 2012, 2013, and 2014 (ending June 2014) for professional consulting work related to the Otay Mesa Desalination Facility Conveyance and Disinfection System Project (see Exhibit A for Project location).

### **COMMITTEE ACTION:**

Please see Attachment A.

### **PURPOSE:**

To obtain Board authorization for the General Manager to enter into a Consulting Services Agreement with SSI for professional consulting work related to the Otay Mesa Desalination Facility Conveyance and Disinfection System Project in an amount not-to-exceed \$104,000 for Fiscal Years 2012, 2013, and 2014 (ending June 2014).

### **ANALYSIS:**

The District is working with a private developer and several binational governmental agencies to support the design, build, and

operation of a sea-water desalting facility in the area of Rosarito, Baja California. The Otay Mesa Conveyance and Disinfection System Project (Project) will provide a potable water transmission pipeline and pump station to convey the desalinated water from the border of Mexico to Roll Reservoir on Otay Mesa. The primary purpose of the Project is to provide water service at a potable level to customers in both the U.S. and Mexico.

Given the many challenges in advancing this Project, Peter Silva, the principal of SSI, is uniquely positioned to provide technical, regulatory, and policy assistance in water and wastewater matters. Mr. Silva has 34 years of experience in the water and wastewater fields. Additionally, Mr. Silva has worked on U.S.-Mexico border issues for over 30 years. SSI's extensive experience in the U.S. includes the Regional Water Quality Control Board in Los Angeles and San Diego, the California Water Resources Control Board, the State Department of Health Services, the State Fish and Game, the U.S. Bureau of Reclamation, and the Environmental Protection Agency in Washington, DC. plus, Mexican agencies and officials at the state level, i.e., Governor Osuna Millan, the Secretaria de Infraestructura y Desalloro Urbano, the Comision Estatal de Agua, and the Comision Estatal del Servicios Publicos de Tijuana y Rosarito (CESPT) and the Federal agencies which include Comision Nacional de Agua, and the Comision Internacional de Limites y Aguas.

Under a \$50,000 agreement and a First Amendment to Agreement, signed under the signature authority of the General Manager and extending the agreement to May 2012, SSI has been providing consulting services to the District since March 17, 2011.

Based on past work between the District and SSI, the District feels SSI is uniquely qualified to best meet the District's needs for technical, regulatory, and policy expertise to advance this Project (see Exhibit B for Scope of Work).

**FISCAL IMPACT:**             Joe Beachem, Chief Financial Officer

The total budget for CIP P2451, as approved in the FY 2012 budget, is \$30,000,000. Expenditures to date are \$1,004,184. Total expenditures, plus outstanding commitments, including this contract, totals \$5,040,666.

Based on a review of the financial budget, the Project Manager anticipates that the budget is sufficient to support this Project (see Attachment B).

Finance has determined that 40% of the funding is available from the Expansion Fund and 60% of the funding will be available from the Betterment Fund after Board approval of the FY 2013 fund transfers.

**STRATEGIC GOAL:**

This Project supports the District's Mission statement, "To provide the best quality of water and wastewater services to the customers of Otay Water District, in a professional, effective, and efficient manner" and the District's Strategic Goal, "To satisfy current and future water needs for potable, recycled, and wastewater services."

**LEGAL IMPACT:**

None.

RP:jf

P:\WORKING\CIP P2451 Desalination Feasibility Study\Staff Reports\Board 05-02-12\BD 05-02-12, Staff Report, Award of Consulting Services Contract to SSI, (RP).docx

- Attachments:     Attachment A - Committee Action  
                         Attachment B - Budget Detail  
                         Exhibit A - Location Map  
                         Exhibit B - Scope of Work



## ATTACHMENT A

<b>SUBJECT/PROJECT:</b>  P2451-001101	Award of a Consulting Services Contract for Professional Consulting Work Related to the Otay Mesa Conveyance and Disinfection System Project for Fiscal Years 2012, 2013, and 2014
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### **COMMITTEE ACTION:**

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on April 18, 2012. The Committee supported Staff's recommendation.

### **NOTE:**

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a Committee approved item, or modified to reflect any discussion or changes as directed from the Committee prior to presentation to the full Board.



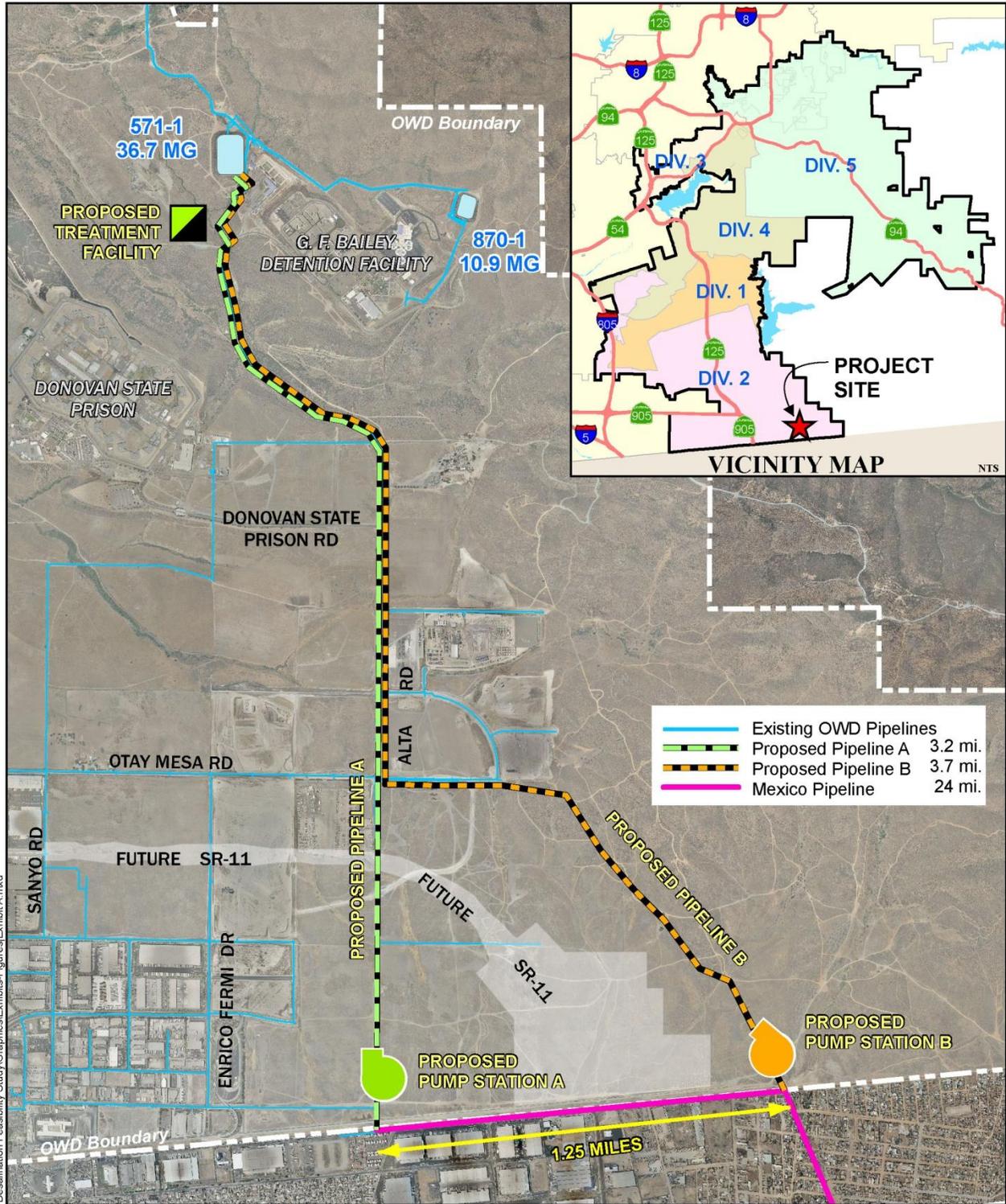
## ATTACHMENT B

<b>SUBJECT/PROJECT:</b>	Award of a Consulting Services Contract for Professional Consulting Work Related to the Otay Mesa Conveyance and Disinfection System Project for Fiscal Years 2012, 2013, and 2014
P2451-001101	

**Otay Water District**  
**P2451 - Rosarito Desalination Facility Conveyance**

Date Updated: March 27, 2012

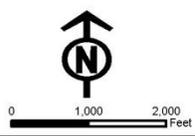
<i>Budget</i>	<i>Committed</i>	<i>Expenditures</i>	<i>Outstanding Commitment &amp; Forecast</i>	<i>Projected Final Cost</i>	<i>Vendor/Comments</i>
<b>30,000,000</b>					
<b>Planning</b>					
Labor	373,029	373,029		373,029	
Printing	61	61	-	61	MAIL MANAGEMENT GROUP INC
Mileage Reimbursement	138	138	-	138	PETTY CASH CUSTODIAN
Parking and Tolls	80	80	-	80	PETTY CASH CUSTODIAN
	45	45	-	45	US BANK CORPORATE PAYMENT
	21	21	-	21	WATTON, MARK
Airfare and Transportation	40	40	-	40	PETTY CASH CUSTODIAN
	8,717	8,717	-	8,717	US BANK CORPORATE PAYMENT
	78	78	-	78	WATTON, MARK
Lodging	3,262	3,262	-	3,262	US BANK CORPORATE PAYMENT
	1,590	1,590	-	1,590	WATTON, MARK
	729	729	-	729	BONILLA, JAIME
	472	472	-	472	CONSOLIDATED WATER COMPANY
Meals and Incidentals	249	249	-	249	PETTY CASH CUSTODIAN
	38	38	-	38	US BANK CORPORATE PAYMENT
	194	194	-	194	WATTON, MARK
	395	395	-	395	CONSOLIDATED WATER COMPANY
Business Meetings	180	180	-	180	PETTY CASH CUSTODIAN
	949	949	-	949	US BANK CORPORATE PAYMENT
Insurance	26	26	-	26	PETTY CASH CUSTODIAN
	27	27	-	27	US BANK CORPORATE PAYMENT
Professional Legal Fees	43,175	43,175	-	43,175	SOLORZANO CARVAJAL GONZALEZ Y
	15,853	15,853	-	15,853	STUTZ ARTIANO SHINOFF
	152,066	152,066	-	152,066	GARCIA CALDERON & RUIZ LLP
Other Legal Expenses	9,975	9,975	-	9,975	GARCIA CALDERON & RUIZ LLP
	38	38	-	38	STUTZ ARTIANO SHINOFF
Consultant Contracts	98,577	98,577	-	98,577	CAMP DRESSER & MCKEE INC
	47,515	47,515	-	47,515	MARSTON+MARSTON INC
	12,200	12,200	-	12,200	REA & PARKER RESEARCH
	4,173	4,173	-	4,173	SALVADOR LOPEZ-CORDOVA
	58,066	44,066	14,000	58,066	SILVA-SILVA INTERNATIONAL
	70,200	28,800	41,400	70,200	HECTOR I MARES-COSSIO
	32,340	32,340	-	32,340	BROWNSTEIN
	7,000	7,000	-	7,000	BUSTAMANTE
	104,000		104,000	104,000	SILVA SILVA INTERNATIONAL
Service Contracts	500	500	-	500	REBECA SOTURA NICKERSON
	106	106	-	106	SAN DIEGO DAILY TRANSCRIPT
<b>Total Planning</b>	<b>1,046,104</b>	<b>886,704</b>	<b>159,400</b>	<b>1,046,104</b>	
<b>Design</b>					
Labor	65,450	65,450		65,450	
Meals and Incidentals	14	14	-	14	PETTY CASH CUSTODIAN
Consultant Contracts	5,535	5,535	-	5,535	MICHAEL R WELCH PHD PE
	3,910,297	33,215	3,877,082	3,910,297	AECOM TECHNICAL SERVICES INC
	5,000	5,000	-	5,000	ATKINS
	7,923	7,923	-	7,923	CPM PARTNERS INC
Service Contracts	343	343	-	343	SAN DIEGO UNION-TRIBUNE LLC
<b>Total Design</b>	<b>3,994,562</b>	<b>117,480</b>	<b>3,877,082</b>	<b>3,994,562</b>	
<b>Construction</b>					
Labor	-	-	-	-	
<b>Total Construction</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Grand Total</b>	<b>5,040,666</b>	<b>1,004,184</b>	<b>4,036,482</b>	<b>5,040,666</b>	



P:\WORKING\CIP P2451 Desalination Feasibility Study\Graphics\Exhibits\Figures\Exhibit A.mxd



**OTAY WATER DISTRICT**  
 Otay Mesa Conveyance and  
 Disinfection Facility Project  
**EXHIBIT A**





## EXHIBIT B

<b>SUBJECT/PROJECT:</b>  P2451-001101	Award of a Consulting Services Contract for Professional Consulting Work Related to the Otay Mesa Conveyance and Disinfection System Project for Fiscal Years 2012, 2013, and 2014
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## SCOPE OF WORK.



April 4, 2012

Mr. Mark Watton, GM  
Otay Water District  
2554 Sweetwater Springs Blvd.  
Spring Valley, CA 91978

Dear Mr. Watton:

This letter will serve as a proposal for an extension of my current contract with Otay Water District (District). My work up to now has been associated with the proposed binational desalination plant (Project) that the District is pursuing. With this letter I will present a proposal to assist your agency in advancing the Project by providing my services through my consulting company, Silva-Silva International (SSI).

As I have worked with the District to this point, the Project purpose has remained the same. The intent is to advance the construction of a sea-water desalting plant in the area of Rosarito, Baja California. The plant will then provide water treated to a potable level to both Mexican agencies and the District. Given the complexity of the Project, it will face many challenges at the engineering, regulatory, financing and policy levels.

Given the many potential challenges for the Project, I believe I am uniquely qualified to provide both technical and policy assistance to the District. I have extensive experience regarding water policy and regulatory issues at the local, state and federal levels. I also have over 30 years of experience regarding water resources issues along the U.S.-Mexico border. I have attached a copy of my company profile that details my professional experience.

For better management of my work effort related to this contract, I am breaking out my proposal in the following task orders that describe the various types of functions I will be performing for the District. As the Project advances, the next steps will likely be in the policy and regulatory issues. The trans-boundary flow of water will require extensive effort with the regulatory bodies at the state and federal levels. Additionally, extensive policy work will be need to be done in both countries to obtain support for the Project and explore the potential for funding and perhaps partnerships in use of the new potable water supply.

### **TASK ORDER 1: WORK IN U.S. ON TECHNICAL, REGULATORY & MISC. ISSUES**

This task order will cover work with U.S. agencies for technical and regulatory issues. These agencies include, but are not limited to, the State Department of Health Service (DHS), the San Diego Regional Water Quality Control Board (CRWQCB) and the State Water Resources Control Board (SWRCB). Additional agencies could include the State Fish and Game as well as federal agencies such as the U.S. Bureau of Reclamation (BOR), the International Boundary and Water Commission (IBWC) and the Environmental Protection Agency (EPA).

There will also likely be contacts required with local agencies such as the City and County of San Diego and other local water agencies.

### **TASK ORDER 2: WORK IN MEXICO ON TECHNICAL, REGULATORY & MISC. ISSUES**

This task order will provide for work with Mexican agencies and officials as necessary. At the state level this will include the Governor's office and his staff, the "Secretaria de Infraestructura y Desarrollo Urbano (Secretariat of Infrastructure and Urban Development)", the "Comision Estatal de Agua (State Water Commission)" and the "Comision Estatal de Servicios Publicos de Tijuana y Rosarito (CESPT)". At the federal level, the key agencies are the "Comision Internacional de Limites y Aguas (IBWC) and "Comision Nacional del Agua (National Water Commission)". Both of these federal agencies have offices in Mexicali, Baja California.

### **TASK ORDER 3: WORK IN U.S. AND MEXICO ON POLICY MATTERS**

This task order will cover work necessary to advance the Project through the broader policy level discussions at the local, state, federal and binational levels. This could include work necessary for market development with local water agencies as well as the San Diego County Water Authority. It could also include policy discussions at the state level and at the Colorado River seven-states forum that could bring in the federal agencies such as the BOR as potential funding partners. Another important element is required discussions at the binational level between the states of California and Baja California. Additionally, the Project may require an IBWC minute and discussions with the required entities will be crucial.

These task order are intentionally broad and can serve to guide my effort as I assist the District in its work on the Project.

With respect to a billing rate, I am proposing that the current level continue into the new contract. That is, based on my billing rate of \$250.00 per hour and a level of effort of 16 hours per month, the monthly contractual amount will continue at \$4000.00 per month. This does not include additional costs incurred, such as travel expenses.

I have enjoyed the opportunity to provide my professional services to the District for the past year and I look forward to working with you on this exciting project for the next two years under this contract.

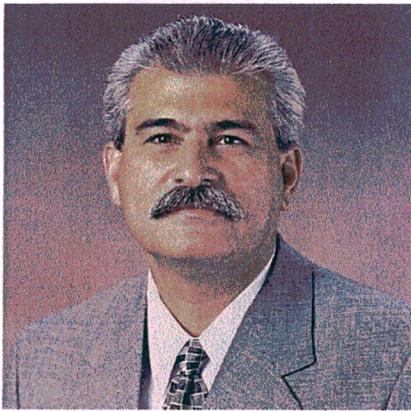
Please let me know if you require any additional informational and thank you again for this great opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. S. Silva'. The signature is stylized with a large 'P' and 'S'.

Peter S. Silva, PE  
Silva-Silva International  
1907 Corte Escena  
Chula Vista, CA 91914

Attachment



**Peter S. Silva**

President, Silva-Silva International  
psilvape@yahoo.com  
(c) 619-980-5877

**Education:**

B.S. Civil Engineering  
Cal-Poly, Pomona (1977)

**Licenses:**

- ♦Professional Engineer (CE)  
in Calif. since 1980
- ♦Board Certified Env. Engr.  
May, 2011

**Appointments:**

- ♦By President Clinton  
Board Member: BECC
- ♦By CA Gov. Gray Davis  
Board Member: CA SWRCB
- ♦By CA Gov. A. Schwarzenegger  
Board Member: CA SWRCB
- ♦By President Obama  
EPA Asst. Admin. For Water

**Expertise:**

- ♦U.S.-Mexico Affairs
- ♦Water & WW Regulations
- ♦SRF Funding
- ♦Water Resources
- ♦Water & WW Operations
- ♦Desalination
- ♦Tribal affairs
- ♦Environmental Justice

**Peter S. Silva, PE BCEE**

Mr. Silva is President of Silva-Silva International (SSI), a consulting firm specializing in water resources management and regulatory issues. SSI also specializes in water issues related to the U.S.-Mexico border. With 34 years of experience in the local, city, regional, state, federal and international levels of the public sector, Mr. Silva brings a wealth of experience to assist both public and private sector clients in need of professional expertise in managing existing water resources or developing new sources. Additionally, Mr. Silva can provide technical and policy advice on a myriad of regulatory issues related to operating a public or private sector enterprise.

Before establishing the firm of SSI, Mr. Silva was Assistant Administrator for Water at the U.S. Environmental Protection Agency in Washington DC. Having been appointed by President Barack Obama and confirmed by the U.S. Senate, Mr. Silva worked with EPA Administrator Lisa Jackson on major national water issues. Prior to EPA, Mr. Silva was a Senior Policy Advisor for the Metropolitan Water District of Southern California, where he worked with the GM and Board on issues related to the lower Colorado River, including binational issues with Mexico.

Prior to MWD, Mr. Silva spent six years as vice-chair of the California Water Resources Control Board, having been appointed by Governors Gray Davis and Arnold Schwarzenegger. There he led Board efforts on water rights and water quality issues such as storm water permits, power plant regulations and watershed planning. While at the SWRCB, Mr. Silva also focused on the U.S.-Mexico border issues, SRF funding, tribal affairs and environmental justice.

Mr. Silva's experience also includes extensive binational experience. In 1995, he was appointed by President Clinton to the Board of the Border Environment Cooperation Commission (BECC). From May, 1997 to May, 2000 he served as the Assistant GM for the BECC, which is based in Ciudad Juarez, Mexico. The BECC, created as part of the NAFTA Agreement, provides technical assistance and funding to U.S. and Mexican border communities for building water and wastewater infrastructure. As part of his international experience, Mr. Silva was also in charge of the San Diego office of the International Boundary and Water Commission for four years.

Mr. Silva's broad experience also includes the planning, design and operation of water and wastewater systems. While with the City's Clean Water Program, he was on the management team for the billion dollar planning and design effort of 100 mgd secondary and tertiary wastewater plants. On the operations side, he ran the City of San Diego's water treatment plants (300 mgd) for five years.

With his broad technical and policy experience, Mr. Silva brings a unique set of skills and knowledge that provides a high level of expertise to SSI clients. He can use his broad base of contacts at the local, state, federal and international level to tailor the appropriate solution to water resources or water quality issues.



## STAFF REPORT

TYPE MEETING:	Regular Board	MEETING DATE:	May 2, 2012		
SUBMITTED BY:	Bob Kennedy Sr. Civil Engineer	PROJECT NO./ SUBPROJECT:	D0400- xx9560	DIV. NO.	5
APPROVED BY:	<input checked="" type="checkbox"/> Rod Posada, Chief, Engineering <input checked="" type="checkbox"/> German Alvarez, Asst. General Manager <input checked="" type="checkbox"/> Mark Watton, General Manager				
SUBJECT:	Resolution Requesting the Local Agency Formation Commission to Initiate Proceedings for Peaceful Valley Ranch Annexation				

### **GENERAL MANAGER' S RECOMMENDATION:**

Approve Resolution No. 4194 (Attachment B), for the Local Agency Formation Commission (LAFCO) to initiate proceedings for the Peaceful Valley Ranch Annexation to the San Diego County Water Authority (SDCWA) and Metropolitan Water District of Southern California (MWD) (see Exhibits A and B for Project location).

### **COMMITTEE ACTION:**

Please see Attachment A.

### **PURPOSE:**

The purpose of the proposed annexation is to provide imported water to serve Assessor Parcel Numbers 597-070-02, 597-070-07, and 597-050-13 to be developed by Peaceful Valley Ranch LLC.

### **ANALYSIS:**

The proposed Peaceful Valley Ranch project is a 181.3 acre residential development, of which 28.9 acres are already within the SDCWA and MWD service area. The entire 181.3 acre development is already located within the Otay Water District (District) service area. The property is located in the County of San Diego off Campo Road and Melody Road in the community of Jamul.

On September 3, 2003, the Otay Water District Board (Board) adopted Resolution No. 3992, requesting concurrent annexation of the Peaceful Valley Ranch property to SDCWA and MWD (Attachment C). The annexation process was delayed due to the need for the property owner to complete the environmental documents needed to comply with the California Environmental Quality Act (CEQA) and by the SDCWA until Annexation Policy #2 was adopted, as explained below. The table below summarizes the steps that have been taken and those that are still needed in order to annex the Peaceful Valley Ranch property.

Annexation Summary	
<b>Major Steps for Concurrent Annexation to Water Authority and MWD</b>	<b>Peaceful Valley Ranch Annexation Status</b>
Otay adopts resolution requesting concurrent annexation to the Water Authority and MWD.	September 3, 2003 See Attachment C.
MWD Board adopts resolution granting conditional approval and intent to levy standby charges.	May 10, 2005
SDCWA Board establishes preliminary informal terms and conditions, and requests MWD grant conditional approval and give notice of intent to impose water standby charges.	June 23, 2005
County of San Diego filed a Notice of Determination (NOD) that they had prepared a Final EIR certified pursuant to CEQA.	July 28, 2008
In response to an extended drought and regulatory restrictions on pumping on the State Water Project, SDCWA adopted Annexation Policy #2, Protection of Member Agency Supply Reliability. This allows the annexation to move forward.	April 22, 2010
SDCWA Board establishes preliminary informal terms and conditions, and requests MWD grant conditional approval and give notice of intent to impose water standby charges.	July 22, 2010
MWD Board adopts resolution granting conditional approval and intent to levy standby charges.	July 12, 2011
SDCWA Board adopts resolution requesting MWD set formal terms and conditions.	August 25, 2011

Annexation Summary	
Major Steps for Concurrent Annexation to Water Authority and MWD	Peaceful Valley Ranch Annexation Status
MWD Board adopts resolution, providing consent for the concurrent annexation, fixing terms and conditions, and levying standby charge.	December 13, 2011 See Attachment D for terms and conditions.
SDCWA Board set final terms and conditions and approval of annexation.	January 26, 2012 See Attachment E for terms and conditions.
Otay adopts resolution of application requesting LAFCO to take proceedings for annexation.	May 2, 2012 Recommended action of the Otay Board.
San Diego Local Agency Formation Commission files notice of completion after the terms and conditions of MWD, Water Authority, and Otay are satisfied.	Future proposed action. Deadline is December 31, 2012.

The applicant is requesting annexation to provide imported water to serve the property. The property owner anticipates meeting demands of the Peaceful Valley Ranch property with a combination of imported water and local groundwater. The District estimates that the average water demand on the SDCWA from the proposed Peaceful Valley Ranch Annexation is approximately 70 acre-feet per year (AFY), with a projected maximum daily demand on the Water Authority of 0.16 cubic feet per second.

Groundwater quality in the area is not well suited for domestic use, due to elevated total dissolved solids concentrations beyond the maximum contaminant level, or MCL, of 1,000 mg/L. The owner plans to continue to use groundwater to the extent practicable. Under the Major Use Permit from the county of San Diego for the project, groundwater extraction is limited to a maximum of 22 AFY when the development is complete.

Historically, the owners used the property mainly for dry farming. The proposed annexation is for an estate residential development, including equestrian uses and amenities. Peaceful Valley Ranch LLC proposes to develop 52 estate residential units on lots ranging in size from two to five acres. The annexation includes a private equestrian facility, with horse stables and a polo-training field. The Polo field would be the only portion of the project using groundwater as a water supply source.

The property, if annexed, will create windows within the SDCWA's service area. A window is an un-annexed area surrounded by annexed territory. A window within a service area leads to inefficient

supply management and facility planning, and could increase the potential for water use outside the service area, either directly or indirectly. One way to avoid formation of windows is for the member agency to request annexation of the window areas in addition to the original annexation request. District staff surveyed the landowners to determine their interest in annexing. One landowner, Stoddard, who was included in Otay's original Peaceful Valley Ranch annexation request remains interested in annexing, but at a later date. The eight-acre Stoddard property is shown on the legal description and plat within Attachment C. Staff also contacted the remaining five landowners; however, none are interested in annexing at this time. These results are consistent with the landowner survey staff conducted in 2004 when the annexation request was initially made to the SDCWA. The SDCWA cannot require property owners to annex, especially taking into account annexation requirements under the current supply situation. The District has made an effort to eliminate the formation of windows through contacting the landowners. The majority of the annexing property is coterminous to the Water Authority service area. In addition, to prevent use of imported supplies outside the SDCWA and MWD's service areas that could occur with the creation of windows, the District has stated that they conduct continuous monitoring of their facilities to preclude illegal tapping of mains.

The Board of Directors of the MWD on December 13, 2011 adopted Resolutions 9133 and 9134 consenting to the annexation, fixed terms and conditions, and adopted a water standby charge for the Peaceful Valley Ranch Annexation (see Attachment D).

The Board of Directors of the SDCWA on January 26, 2012 adopted Resolution No. 2012-01 setting final terms and conditions, approving the concurrent annexation of territory to said agencies and making environmental findings relating to the Peaceful Valley Ranch Annexation (see attachment E).

**FISCAL IMPACT:**  Joe Beachem, Chief Financial Officer

None known at this time.

**STRATEGIC GOAL:**

This Project supports the District's Mission Statement, "To provide the best quality of water and wastewater service to the customers of the Otay Water District in a professional, effective, and efficient manner," and the District's strategic goal, "To satisfy current and future water needs for potable, recycled, and wastewater services."

**LEGAL IMPACT:**

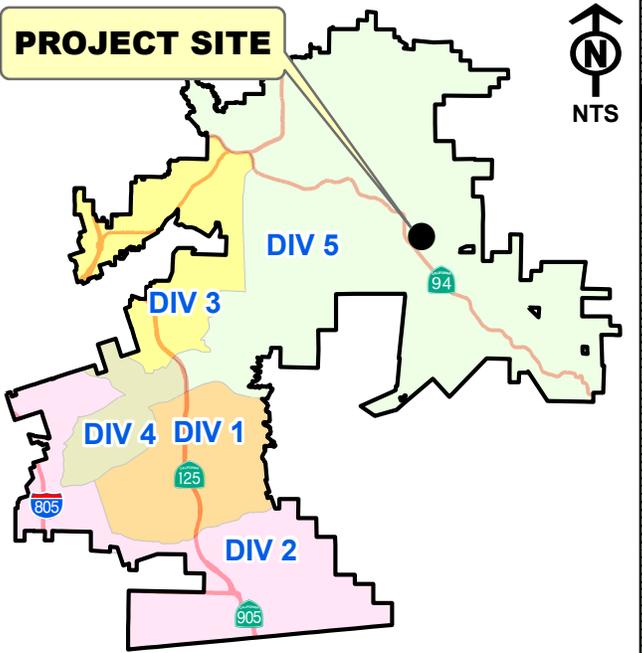
None.

BK/RP:jf

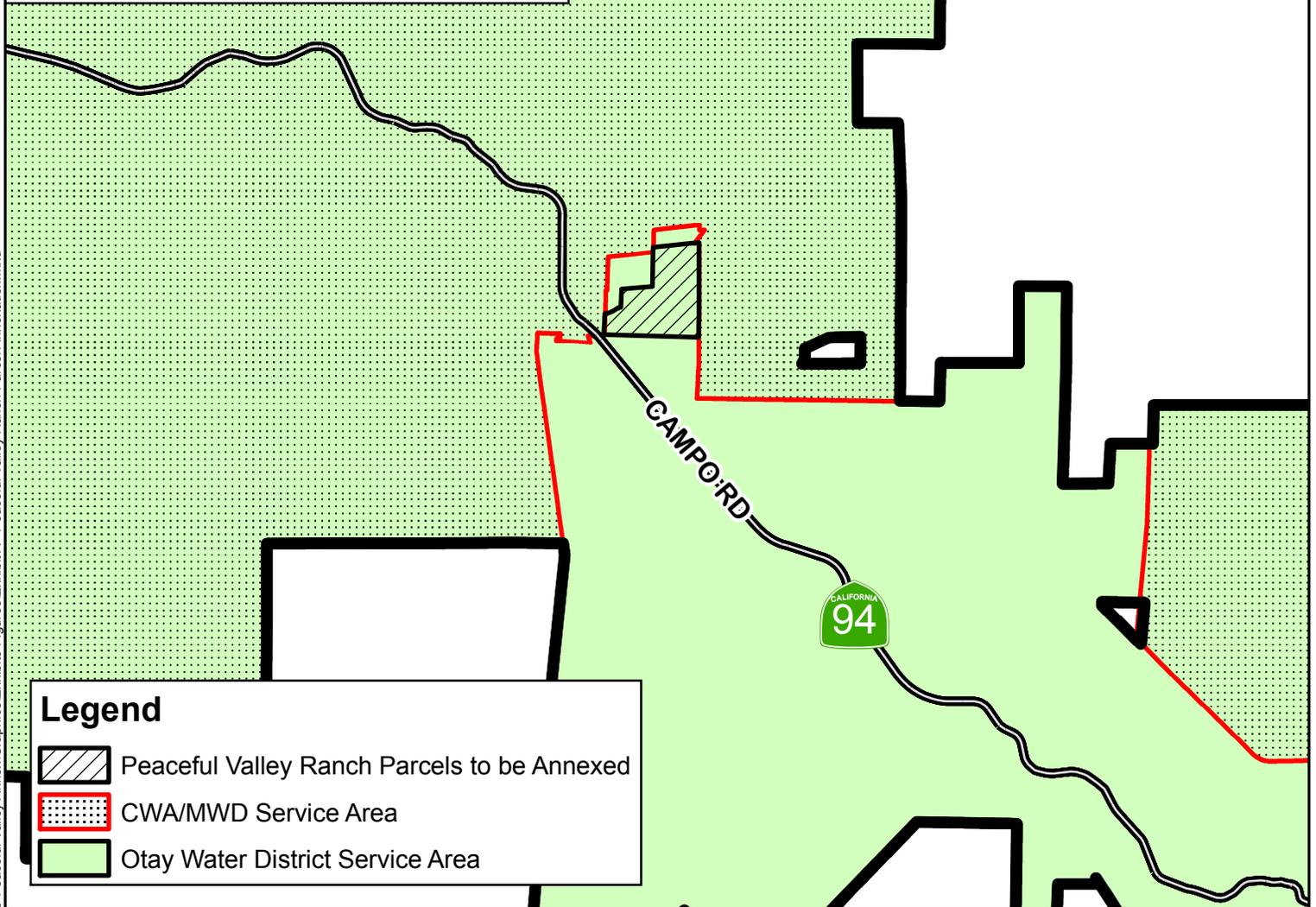
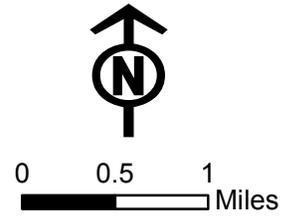
P:\WORKING\WO D0400-Peaceful Valley Annex\Staff Report\BD 5-2-12, Staff Report, Peaceful Valley Ranch Resolution.doc

Attachments: Exhibit A - Location Map  
Exhibit B - Location Map  
Attachment A - Committee Action  
Attachment B - Resolution  
Attachment C - OWD Referenced Resolution  
Attachment D - MWD Referenced Resolution  
Attachment E - SDCWA Referenced Resolution

**PROJECT SITE**



**VICINITY MAP**



**Legend**

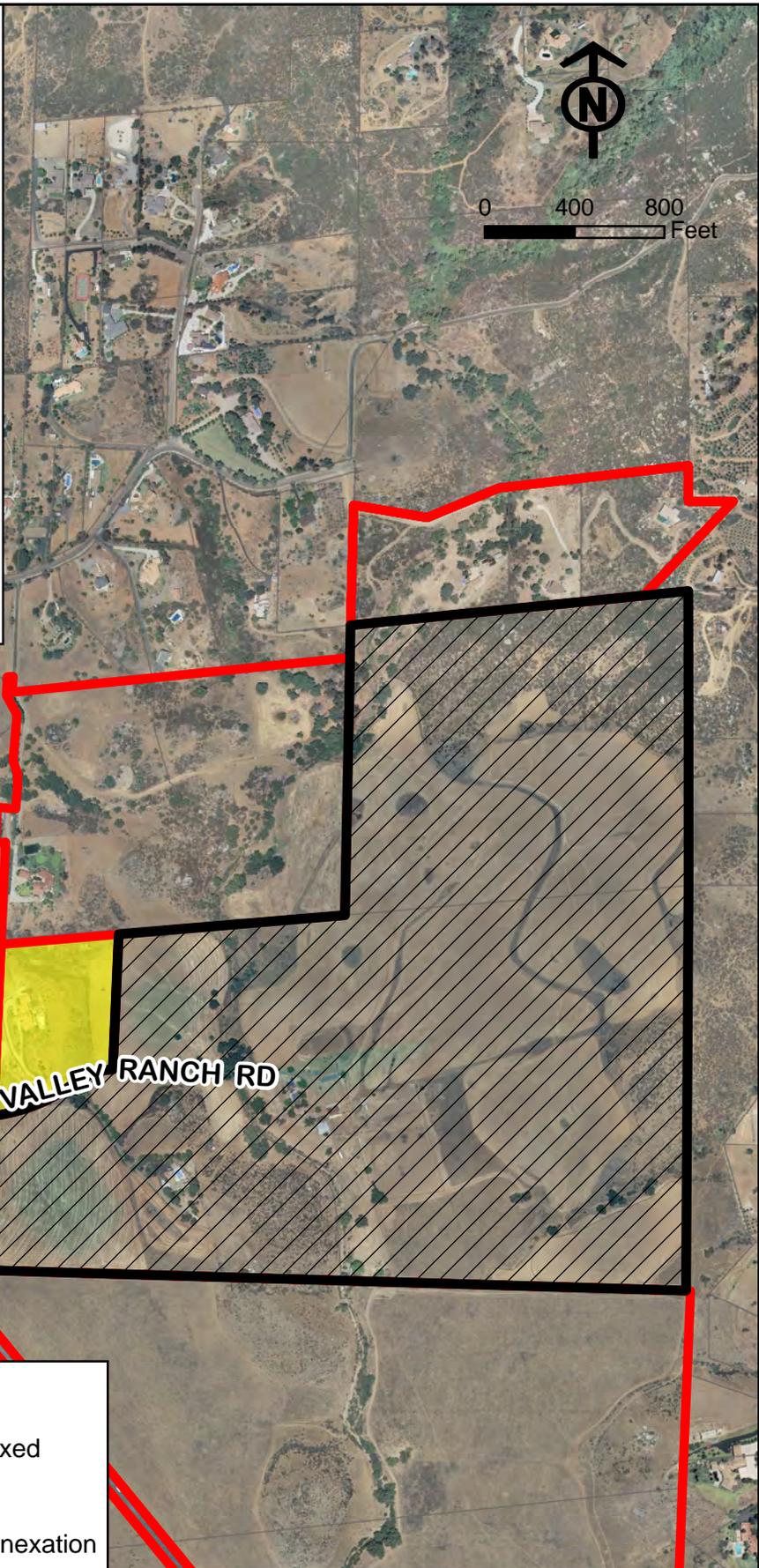
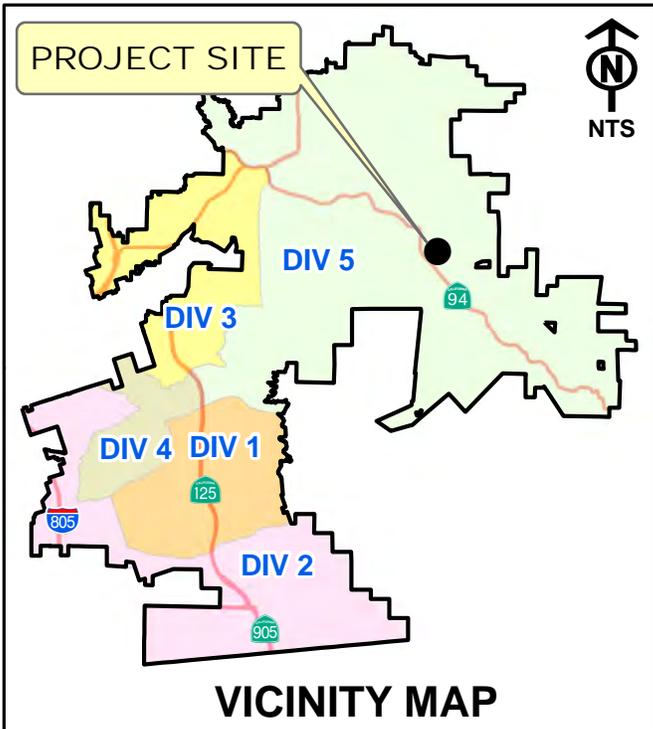
-  Peaceful Valley Ranch Parcels to be Annexed
-  CWA/MWD Service Area
-  Otay Water District Service Area



**OTAY WATER DISTRICT  
PEACEFUL VALLEY RANCH PARCEL ANNEXATION  
LOCATION MAP**

WO D0400

EXHIBIT A



**Legend**

- Peaceful Valley Ranch Parcels to be Annexed
- Future CWA/MWD Annexation
- Stoddard Property - Future CWA/MWD Annexation



**OTAY WATER DISTRICT**  
 PEACEFUL VALLEY RANCH PARCEL ANNEXATION  
 LOCATION MAP

WO D0400

P:\WORKING\WO D0400-Peaceful Valley Annex\Graphics\Exhibits\Figures\Exhibit B - Peaceful Valley Ranch Parcel Annexation.mxd



## ATTACHMENT A

<b>SUBJECT/PROJECT:</b> D0400-xx9560	Resolution Requesting the Local Agency Formation Commission to Initiate Proceedings for Peaceful Valley Ranch Annexation
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### **COMMITTEE ACTION:**

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on April 18, 2012. The Committee supported Staff's recommendation.

### **NOTE:**

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a Committee approved item, or modified to reflect any discussion or changes as directed from the Committee prior to presentation to the full Board.



## ATTACHMENT B

Resolution

RESOLUTION NO. 4194

A RESOLUTION OF APPLICATION BY THE OTAY  
WATER DISTRICT REQUESTING THE LOCAL AGENCY  
FORMATION COMMISSION TO TAKE PROCEEDINGS FOR  
THE PEACEFUL VALLEY RANCH ANNEXATION

RESOLVED, by the Board of Directors of the  
Otay Water District, that

WHEREAS, the Board of Directors of the Otay Water District (District) desires to initiate proceedings pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the Peaceful Valley Ranch Annexation, Assessor Parcel Numbers 597-070-02, 597-070-07, and 597-050-13; and

WHEREAS, pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the Otay Water District on September 3, 2003 adopted Resolution No. 3992, requesting concurrent annexation to the San Diego County Water Authority and Metropolitan Water District of Southern California of the lands described in Resolution 3992, and know as the Peaceful Valley Ranch Annexation (see Attachment C); and

WHEREAS, the Board of Directors of the San Diego County Water Authority on July 22, 2010 adopted Resolution No. 2010-11 that granted preliminary informal terms and conditions for the Peaceful Valley Ranch Annexation, and requested Metropolitan Water District of Southern California grant conditional approval and give notice of intent to impose water standby charges; and

WHEREAS, the Board of Directors of the Metropolitan Water District on July 12, 2011 granted conditional approval and by Resolution 9124 gave notice of intent to impose water standby charges for the Peaceful Valley Ranch Annexation; and

WHEREAS, the Board of Directors of the San Diego County Water Authority on August 25, 2011 adopted Resolution No. 2011-17 requested Metropolitan Water District of Southern California adopt formal terms and conditions for the Peaceful Valley Ranch Annexation; and

WHEREAS, the Board of Directors of the Metropolitan Water District of Southern California on December 13, 2011 adopt Resolutions 9133 and 9134 consenting to the annexation, fixed terms and conditions, and adopted a water standby charge for the Peaceful Valley Ranch Annexation (see Attachment D); and

WHEREAS, the Board of Directors of the San Diego County Water Authority on January 26, 2012 adopted Resolution No. 2012-01 setting final terms and conditions, approving the concurrent annexation of territory to said agencies and making environmental findings relating to the Peaceful Valley Ranch Annexation (see Attachment E); and

WHEREAS, the reason(s) for the proposed change(s) of organization is/are as follows: to provide water service to the territory to be annexed.

WHEREAS, the territory subject to the proposed change(s) of organization is uninhabited, and a description of the external boundary of the territory is set forth in Exhibit "A and B," attached hereto and by this reference incorporated herein; and

WHEREAS, the District requests that the proposed change(s) of organization be subject to the following terms and conditions:

1. That the owner for said annexation shall pay all costs for the Peaceful Valley Ranch Annexation including the following:
  - (a) Standard District Administration fee in the amount of \$709.00;
  - (b) State Board of Equalization filing fees;
  - (c) An Annexation fee of \$1,511 per EDU to be collected at the time the meter is purchased;
  - (d) Other meter-related costs; and
  - (e) All other applicable local or state agency fees;
  - (f) The property to be annexed shall be subject to taxation after annexation thereof for the purposes of the improvement district, including the payment of principal and interest on bonds and other obligations of the improvement district, authorized and outstanding at the time of annexation, the same as if the annexed property had always been a part of the improvement district.
  
2. That subject to the following terms and conditions, to grant the application of the Otay Water District for consent to annex the Peaceful Valley Ranch to the San Diego County Water Authority and the Metropolitan Water District of Southern California and to establish the following conditions of such annexation:

- (a) That the terms and conditions as ordered by Board of Directors of the Metropolitan Water District of Southern California shown on Attachment D be conditioned for the concurrent annexation to said Metropolitan Water District of Southern California and the San Diego County Water Authority, of the Peaceful Valley Ranch, as described in Otay Water District Resolution No. 3992, excluding the 8.3 acre parcel, which is a portion of Parcel 4 of Parcel Map No. 16190.
- (b) Pursuant to Section 5.2 of the County Water Authority Act, the San Diego County Water Authority shall impose standby charges to the properties to be annexed and the property owners shall sign a consent agreement regarding the payment of standby charges.
- (c) That the property owner acknowledges and agrees to participate in any required Proposition 218 action, and will not oppose the imposition of any special taxes, fees, charges, and assessments currently applicable to the San Diego County Water Authority and any applicable service area.

NOW, THEREFORE, this Resolution of Application is hereby approved and adopted by the Board of Directors of the Otay Water District. The Local Agency Formation Commission of San Diego County is hereby requested to take proceedings for the proposed change(s) of organization that include(s) the territory as described in Exhibit "A and B," excluding the 8.3 acre parcel which is a portion of Parcel 4 of Parcel Map No. 16190 according to the terms and conditions stated above and in the manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.

Passed and adopted by the Board of Directors of the Otay Water District at a regular meeting thereof held on the 2<sup>nd</sup> day of May 2012 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

President

ATTEST:

---

District Secretary

EXHIBIT A

ANNEXATION NO. \_\_\_\_\_  
PEACEFUL VALLEY RANCH ANNEXATION PARCEL

LEGAL DESCRIPTION

That certain parcel of land in the County of San Diego, State of California being a portion of Fractional Section 10, Township 17 South, Range 1 East, San Bernardino Meridian according to Official Plat thereof described as follows:

**COMMENCING** at the northeast corner of said Fractional Section 10; thence southerly along the easterly line thereof

**COURSE 1.** South 00°24'58" East 1312.81 feet to the **TRUE POINT OF BEGINNING** being the northeast corner of Parcel Map 16190 recorded in the office of the County Recorder of said county August 16, 1990 as file no. 90-450825 of official records; thence continuing southerly along said easterly line of Fractional Section 10 being also the easterly line of said Parcel Map the following courses:

**COURSE 2.** South 00°24'58" East 1312.81 feet to an angle point; thence,

**COURSE 3.** South 00°02'56" East 1806.43 feet to the southeast corner of said Parcel Map 16190; thence leaving said easterly line and westerly along the southerly line of said Parcel Map,

**COURSE 4.** North 88°42'00" West 3115.99 feet to the southwest corner of Parcel 2 of said Parcel Map; thence leaving said southerly line and northerly along the westerly line of said Parcel 2,

**COURSE 5.** North 02°09'30" East 688.81 feet to a point on the northerly line of said Parcel 2 being also the beginning of a non-tangent curve concave northwesterly and having a radius of 725.00 feet, a radial line to said point bears South 06°58'01" East; thence leaving said westerly line and easterly along said northerly line the following courses:

**COURSE 6.** northeasterly along said curve through a central angle of 27°15'42" an arc length of 344.96 feet; thence tangent from said curve,

**COURSE 7.** North 55°46'17" East 68.41 feet to the beginning of a tangent curve concave southeasterly and having a radius of 300.00 feet; thence

**COURSE 8.** northeasterly along said curve through a central angle of 31°13'13" an arc length of 163.47 feet; thence leaving said northerly line and non-tangent from said curve,

**COURSE 9.** North 02°09'30" East 602.47 feet to the northerly line of said Parcel Map; thence easterly , northerly and northeasterly along said northerly line of Parcel Map the following courses:

**COURSE 10.** North 84°45'02" East 1010.71 feet to an angle point; thence,

**COURSE 11.** North 00°42'22" East 1293.00 feet to an angle point; thence,

**COURSE 12.** North 83°49'47" East 1512.40 feet to the **TRUE POINT OF BEGINNING.**

**CONTAINING:** 152.45 Acres, more or less.

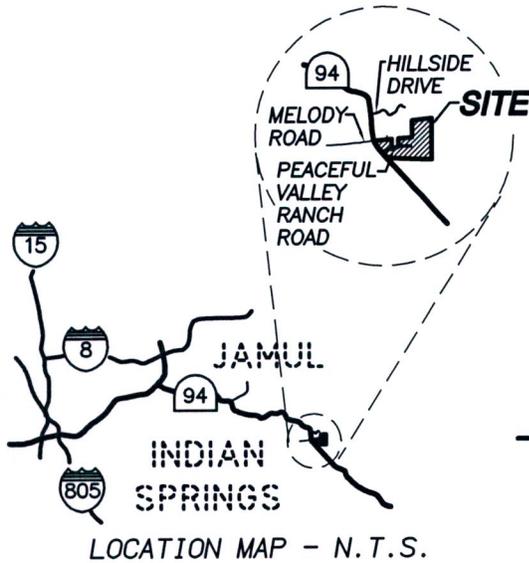
*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as a basis for an offer for sale of the land described.*



---

Gregory A. Helmer LS 5134  
April 3, 2012  
RBF JOB NO. 25-105463

# PEACEFUL VALLEY RANCH ANNEXATION PARCEL



*Gregory A. Helmer*  
 GREGORY A. HELMER, LS 5134

## LEGEND

-  PROPOSED ANNEXATION BOUNDARY
-  EXISTING SDCWA BOUNDARY
- T.P.O.B.** TRUE POINT OF BEGINNING
- P.O.C.** POINT OF COMMENCEMENT
- [2]** COURSE NUMBER
- SDCWA** SAN DIEGO COUNTY WATER AUTHORITY
- PM 16190** PARCEL MAP 16190
- 597-070-02** ASSESSORS PARCEL NUMBER

SHEET INDEX  
 SHEET 1: TITLE SHEET, LEGEND, VICINITY MAP  
 SHEET 2: MAP SHEET

**DISCLAIMER:**

"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS OF AN OFFER FOR SALE OF THE LAND DESCRIBED".

ASSESSORS PARCEL NUMBERS: 597-070-02; 597-070-07; 597-050-13	LAFCO RESOL. NO.	ACREAGE 152.45 AC	DATE 4/3/2012	SCALE 1"=800'
---	------------------	----------------------	------------------	------------------

ANNEXATION NO. \_\_\_\_\_  
 PEACEFUL VALLEY RANCH ANNEXATION PARCEL  
 BEING A PORTION OF FRACTIONAL SECTION 10,  
 T-17-S, R-1-E, SAN BERNARDINO MERIDIAN,  
 SAN DIEGO COUNTY



SHEET 1 OF 2 SHEETS  
 PLANNING ■ DESIGN ■ CONSTRUCTION

9755 CLAIREMONT MESA BOULEVARD, SUITE 100  
 SAN DIEGO, CALIFORNIA 92124-1324  
 858.614.5000 • FAX 858.614.5001 • www.RBF.com

RBF JN 25-105463

#

**COURSES**

- 1 - S 00°24'58" E 1312.81'
  - 2 - S 00°24'58" E 1312.81'
  - 3 - S 00°02'56" E 1806.43'
  - 4 - N 88°42'00" W 3115.99'
  - 5 - N 02°09'30" E 688.81'
  - 6 - R=725.00' D=27°15'42" L=344.96'
  - 7 - N 55°46'17" E 68.41'
  - 8 - R=300.00' D=31°13'13" L=163.47'
  - 9 - N 02°09'30" E 602.47'
  - 10 - N 84°45'02" E 1010.71'
  - 11 - N 00°42'22" E 1293.00'
  - 12 - N 83°49'47" E 1512.40'
- 152.45 Acres - Gross Area



**FRACTIONAL SECTION 10  
T-17-S R-1-E  
S.B.M.**

**P.O.C.**

NE CORNER  
FRAC. SEC. 10

3

2

10

11

1

**T.P.O.B.**

NE CORNER  
PM 16190

12

PM 16190

REMAINDER  
PARCEL  
597-050-13

2

PM 16190

16190

PORTION  
PARCEL 4

3

ELY LINE

**CAMPO ROAD**  
WLY LINE PM 16190  
PAR. 1  
NOT A  
PART

S06.58'01"E (R)

NLY LINE PM 16190

NLY LINE  
PAR. 2

9

10

597-070-07  
PEACEFUL VALLEY  
RANCH ROAD

8

7

PARCEL 2  
597-070-02

5

6

PM

PARCEL 3

SLY LINE

PM 16190

4

SE CORNER  
PM 16190

WLY LINE  
LIMIT OF  
SDCWA



SCALE: 1"=800'

**RANCHO JAMUL**

ANNEXATION NO. \_\_\_\_\_  
PEACEFUL VALLEY RANCH ANNEXATION PARCEL

BEING A PORTION OF FRACTIONAL SECTION 10,  
T-17-S, R-1-E, SAN BERNARDINO MERIDIAN,  
SAN DIEGO COUNTY

SHEET 2 OF 2 SHEETS



PLANNING ■ DESIGN ■ CONSTRUCTION

9755 CLAIREMONT MESA BOULEVARD, SUITE 100  
SAN DIEGO, CALIFORNIA 92124-1324  
858.614.5000 • FAX 858.614.5001 • www.RBF.com

RBF JN 25-105463



## ATTACHMENT C

Otay Water District Referenced Resolution

RESOLUTION NO. 3992

A RESOLUTION OF THE BOARD OF DIRECTORS OF OTAY WATER DISTRICT FIXING TERMS AND CONDITIONS FOR THE ANNEXATION TO OTAY WATER DISTRICT IMPROVEMENT DISTRICT NO. 9 OF THOSE LANDS DESCRIBED AS "PEACEFUL VALLEY RANCH ANNEXATION" AND ANNEXING SAID PROPERTY TO OTAY WATER DISTRICT IMPROVEMENT DISTRICT NO. 9 (WO 9560/DIV. 5)

WHEREAS, a request has been made by the owners and parties that have an interest in the land described in Exhibit "A." attached hereto, for annexation of said land to Otay Water District Improvement District No 9 of the Otay Water District pursuant to California Water Code Section 72670 et seq.; and

WHEREAS, pursuant to Section 72680.1 of said Water Code, the Board of Directors may proceed and act thereon without notice and hearing.

NOW, THEREFORE, BE IT RESOLVED as follows:

1 A description of the area proposed to be annexed is set forth on a map filed with the Secretary of the District which map shall govern for all details as to the area proposed to be annexed.

2. The purpose of the proposed annexation is to provide water service to the territory to be annexed.

3. The Board of Directors hereby finds and determines that the area proposed to be annexed to Otay Water District and Improvement District No 9 will be benefited thereby and that Otay Water District Improvement District No 9 will also be benefited and not injured by such annexation because the



property to be annexed will benefit from the water facilities in Improvement District No. 9 and the property already within Improvement District No. 9 will now have a larger base to finance the water improvements.

4. The Board of Directors hereby declares that the annexation of said property is subject to owner first meeting the following terms and conditions:

(a) Final annexation by San Diego County Water Authority "SDCWA" and Metropolitan Water District of Southern California "MWD")

(b) That the owners for said annexation shall pay to Otay Water District the following:

- (1) Standard District Administration fee in the amount of \$593.00;
- (2) State Board of Equalization filing fees in the amount of \$2,500.00 (\$2,000 for the Streeter property - 152.4 acres and \$500 for the Stoddard property - 8.3 acres);
- (3) An Annexation fee of \$1,154 per EDU to be collected at the time the meter is purchased;
- (4) Other meter-related costs; and
- (5) All other applicable local or state agency fees

(c) The property to be annexed shall be subject to taxation after annexation thereof for the purposes of the improvement district, including

the payment of principal and interest on bonds  
other obligations of the improvement  
district, authorized and outstanding at the time  
annexation, the same as if the annexed  
property had always been a part of the  
improvement district

5. The Board of Directors of the Otay Water District does hereby declare the property described in Exhibit "A" to be annexed to Improvement District No. 9 of the Otay Water District, conditioned upon final annexation by SDCWA and MWD.

6. The Board of Directors further finds and determines that there are no exchanges of property tax revenues to be made pursuant to California Revenue and Taxation Code Section 95 et seq., as a result of such annexation.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Otay Water District at a regular meeting held this 3<sup>rd</sup> day of September, 2003

AYES: Directors Breitfelder, Bonilla, Lopez, Croucher and Lewis  
NOES:  
ABSTAIN:  
ABSENT:

  
President

ATTEST:

  
District Secretary





RBF CONSULTING  
9755 Clairemont Mesa Boulevard, Suite 100  
San Diego, California 92124

August 14, 2003  
JM 25-100796.001  
Page 1 of 1

EXHIBIT "A"  
LEGAL DESCRIPTION

ANNEXATION PARCEL  
PEACEFUL VALLEY RANCH

That certain parcel of land in the County of San Diego, State of California being a portion of Fractional Section 10, Township 17 South, Range 1 East, San Bernardino Meridian according to Official Plat thereof described as follows:

COMMENCING at the northeast corner of said Fractional Section 10; thence along the easterly line of said Section South  $00^{\circ}24'58''$  East 1312.81 feet to the TRUE POINT OF BEGINNING; thence continuing along said easterly line of said Section South  $00^{\circ}24'58''$  West 1312.81 feet; thence continuing along said easterly line South  $00^{\circ}25'56''$  East 1806.43 feet; thence along the southerly line of Parcels 2 and 3 of Parcel Map No. 16190, filed in the Office of the County Recorder of San Diego County on August 16, 1990, North  $88^{\circ}42'00''$  West 3115.99 feet; thence along the westerly line of Parcels 2 and 4 of said Parcel Map North  $02^{\circ}09'30''$  East 688.81 feet to the beginning of a non-tangent curve concave northwesterly and having a radius of 725.00 feet, a radial line of said curve from said point bears North  $06^{\circ}38'00''$  West; thence leaving said westerly line along said curve easterly and northeasterly 344.96 feet through a central angle of  $27^{\circ}15'44''$ ; thence tangent from said curve North  $55^{\circ}46'15''$  East 68.41 feet to the beginning of a tangent curve concave southeasterly and having a radius of 300.00 feet; thence along said curve northeasterly and easterly 163.46 feet through a central angle of  $31^{\circ}13'10''$ ; thence non-tangent from said curve North  $02^{\circ}09'30''$  East 602.46 feet to the northerly line of said Parcel 4; thence along said northerly line North  $84^{\circ}45'02''$  East 1010.71 feet; thence North  $00^{\circ}42'22''$  East 1293.00 feet; thence North  $83^{\circ}49'37''$  East 1512.40 feet to the TRUE POINT OF BEGINNING

CONTAINING: 152.4 Acres Gross and Net.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record

EXHIBIT "B" attached and by this reference made a part hereof

Prepared by me or under my direction



Stephen R. Hawkhurst, LS 7355

MPQATAU25100796ACAM796003-000



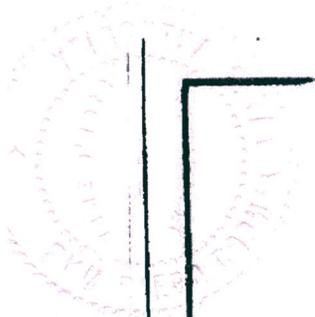


EXHIBIT 'B'  
ANNEXATION PARCEL  
PEACEFUL VALLEY RANCH

FRAC SECTION 10

S.B.M.

FOR PARCEL 4

P.M. 16190

PARCEL 2

P.M. 16190

PARCEL 3 P.M. 16190

T.17 S.

R.1 E.



11/03 - 11:37am evosquez

11/17/03

RBF CONSULTING  
9755 Clairemont Mesa Boulevard, Suite 100  
San Diego, California 92124

August 14, 2003  
JN 25-100796.001  
Page 1 of 1

EXHIBIT "A"  
LEGAL DESCRIPTION

ANNEXATION PARCEL  
PEACEFUL VALLEY RANCH

That certain parcel of land in the County of San Diego, State of California being a portion of Fractional Section 10, Township 17 South, Range 1 East, San Bernardino Meridian according to Official Plat thereof described as follows:

COMMENCING at the northeast corner of said Fractional Section 10; thence along the easterly line of said Section South 00°24'58" East 2625.62 feet; thence South 84°40'09" West 1535.75 feet; thence South 84°45'02" West 1010.71 feet to the TRUE POINT OF BEGINNING; thence South 02°09'30" West 602.46 feet to a point on a non-tangent curve concave southeasterly and having a radius of 300.00 feet, a radial line of said curve from said point bears South 03°00'35" East; thence along said curve westerly 163.46 feet through a central angle of 31°13'10"; thence tangent from said curve South 55°46'15" West 68.41 feet to the beginning of a tangent curve concave northwesterly and having a radius of 725.00 feet; thence along said curve westerly 344.97 feet through a central angle of 27°15'44"; thence non-tangent from said curve North 02°09'30" East 764.74 feet; thence North 84°45'02" East East 525.53 feet to the TRUE POINT OF BEGINNING

CONTAINING: 8.3 Acres Gross and Net

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

EXHIBIT "B" attached and by this reference made a part hereof

Prepared by me or under my direction.



Stephen R. Hawxhurst, LS 7355



HPDATA\25100796\ADMIN\796kgj 005 .000

EXHIBIT 'B'  
ANNEXATION PARCEL  
PEACEFUL VALLEY RANCH

P.O.C.  
11  
218.711' L.S.

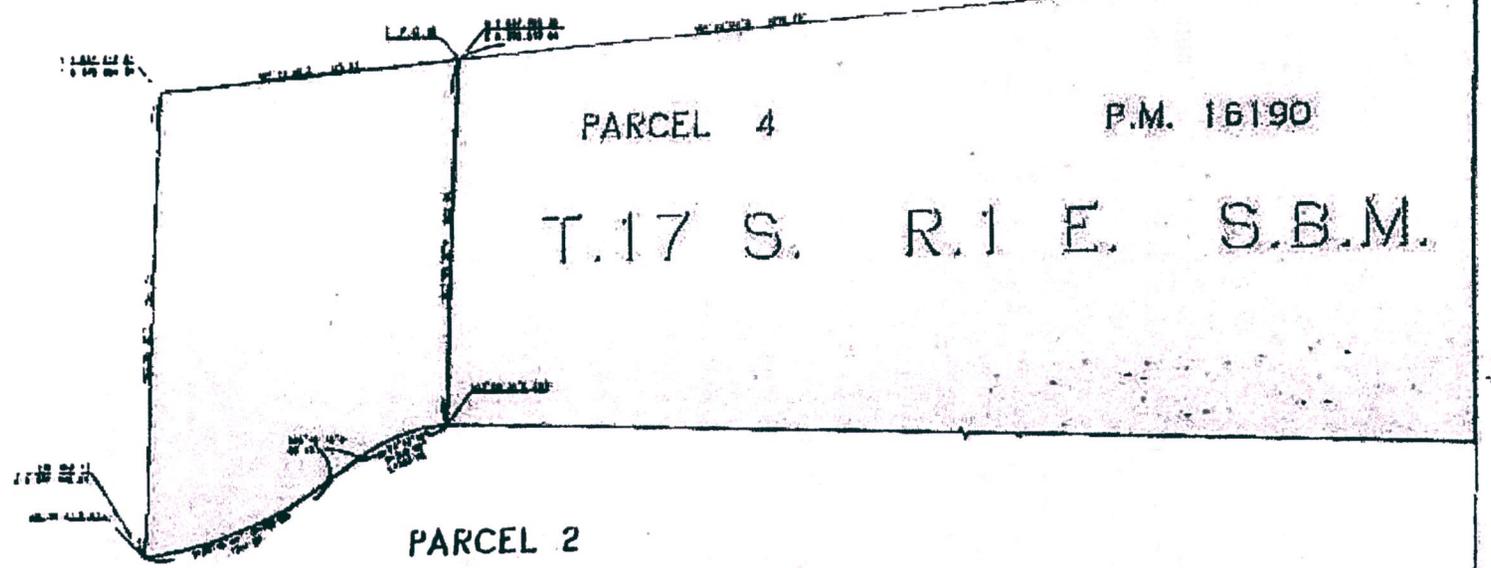
FRAC. SECTION 10

PARCEL 4

P.M. 16190

T.17 S. R.1 E. S.B.M.

PARCEL 2  
P.M. 16190



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**RBF**  
CONSULTING

575 CLAYBANK MEAN BOULEVARD, SUITE 200  
SAN DIEGO, CALIFORNIA 92104-1004  
TEL: 619.594.1900 • FAX 619.594.1902 • WWW.RBF.COM



**ATTACHMENT D**

**Metropolitan Water District of Southern California  
Referenced Resolutions**

**RESOLUTION 9133**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
CONSENTING TO SAN DIEGO COUNTY WATER AUTHORITY'S  
PEACEFUL VALLEY RANCH ANNEXATION  
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

A. WHEREAS, the Board of Directors of the San Diego County Water Authority (SDCWA), a municipal water district, situated in the county of San Diego, state of California, pursuant to Resolution No. 2010-11, in accordance with the provisions of the Metropolitan Water District Act, has applied to the Board of Directors of The Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the county of San Diego referred to as Peaceful Valley Ranch Annexation, more particularly described in an application to the San Diego County Local Agency Formation Commission (LAFCO), concurrently with the annexation thereof to SDCWA, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan; and

B. WHEREAS, completion of said annexation shall be conditioned upon approval by LAFCO; and

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego Board of Supervisors, acting as Lead Agency, certified the Peaceful Valley Ranch Project (Project) Final Environmental Impact Report (Final EIR), adopted the Findings of Fact (findings), Statement of Overriding Considerations (SOC), and Mitigation Monitoring and Reporting Program (MMRP) and approved the Project on July 10, 2008, for the development of the proposed annexation parcel(s). Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information contained in the Final EIR and MMRP, and adopt the Lead Agency's findings and SOC prior to approval of the formal terms and conditions for the Peaceful Valley Ranch Annexation; and

D. WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth; and

E. NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, has reviewed and considered the information in the Final EIR, findings, SOC, and MMRP and adopted the Lead Agency's findings and SOC prior to approval of the final terms and conditions for the Peaceful Valley Ranch Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of the San Diego County Water Authority for consent to annex the Peaceful Valley Ranch Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation;

F. BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to annex Peaceful Valley Ranch Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

**Section 1.** The annexation of said area to SDCWA shall be made concurrently with the annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of SDCWA to effectuate the annexation shall be filed on or before December 31, 2012.

**Section 2.** Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, SDCWA shall submit a certified copy of LAFCO's resolution approving the annexation to the member agency, and shall pay to Metropolitan in cash approximately \$620,238.80, if the annexation is completed by December 31, 2011. The annexation fee of \$5,000 for processing this annexation was received prior to approval. The annexation charge is calculated by the per-acre method based on the net acreage. If the annexation is completed during the 2012 calendar year, the annexation charge will be calculated based on the then current rate, in accordance with Metropolitan's Administrative Code Section 3300.

**Section 3. a.** Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned or operated by Metropolitan.

b. SDCWA shall not be entitled to demand that Metropolitan deliver water to SDCWA for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to the water service regulations, including rates promulgated from time to time by Metropolitan.

d. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

**Section 4.** The area within the newly created window area, in accordance to MWD Administrative Code Section 3201, shall be monitored by the local water purveyor, currently Otay Municipal Water District, for illegal connections or other illicit use of water outside of the service area boundaries.

G. BE IT FURTHER RESOLVED that the Board Executive Secretary is directed to transmit forthwith to the governing body of SDCWA a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California at its meeting held December 13, 2011.



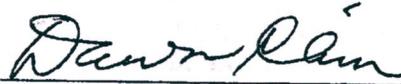
Board Executive Secretary  
The Metropolitan Water District  
of Southern California

**Section 8.** That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

**Section 9.** That the General Manager and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement or defense of litigation.

**Section 10.** That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on December 13, 2011.



Board Executive Secretary  
The Metropolitan Water District  
of Southern California



**RESOLUTION 9134**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE METROPOLITAN WATER DISTRICT OF  
SOUTHERN CALIFORNIA  
FIXING AND ADOPTING WATER STANDBY CHARGE  
CONTINGENT UPON SAN DIEGO COUNTY WATER AUTHORITY'S  
PEACEFUL VALLEY RANCH ANNEXATION**

WHEREAS, pursuant to Resolution 9124, The Metropolitan Water District of Southern California's ("Metropolitan") Resolution of Intention to Impose Water Standby Charge, adopted by the Board of Directors (the "Board") of Metropolitan at its meeting held July 12, 2011, the Board gave notice to the public and to each member public agency of Metropolitan of the intention of the Board to consider and take action on the General Manager's recommendation to impose a water charge for fiscal year 2011/12 on the property described in the Engineer's Report, dated April 2011 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the state of California and was attached to Resolution 9124;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into the San Diego County Water Authority ("SDCWA") and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such property and such parcels will receive the benefit of the projects provided in part with proceeds of Metropolitan water standby charges, as described in the Engineer's Report;

WHEREAS, SDCWA has requested that Metropolitan impose water standby charges on such property at the rate specified in the Engineer's Report and provided herein, following annexation of such property into Metropolitan;

WHEREAS, Resolution 9124 provided that the Board would meet in regular session to hold a public protest hearing at which interested parties could present their views regarding the proposed water standby charges and the Engineer's Report;

WHEREAS, pursuant to the terms of Resolution 9124, the Board Executive Secretary provided written notice in accordance with the requirements of Article XIII D, Section 4 of the California Constitution of the proposed water standby charge by mail to the record owner of the property identified in the Engineer's Report of such public hearing, and the notice included an assessment ballot whereby the owner could indicate his or her name, reasonable identification of his or her parcel, and his or her support for or opposition to the proposed water standby charge;

WHEREAS, the Board conducted in conformance with Resolution 9124 a public hearing. The hearing was held August 16, 2011, at which interested parties were given the opportunity to present their views regarding the proposed water standby charge and the Engineer's Report and to protest the charges, if they so desired, and the Board duly considered any such protests and other views presented to it at the public hearing;  
and

WHEREAS, prior to the conclusion of the public hearing the Board Executive Secretary reviewed the assessment ballots submitted, and it was found that no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) exists;

NOW THEREFORE, the Board of Directors of The Metropolitan Water District of Southern California does hereby resolve, determine and order as follows:

**Section 1.** That the Board of Metropolitan, pursuant to the Engineer's Report, finds that the land described in said Engineer's Report upon annexation to Metropolitan will be benefited as described in such report and on that basis, hereby fixes and adopts a water standby charge for fiscal year 2011/12 on such lands to which Metropolitan water is made available for any purpose, whether water is actually used or not.

**Section 2.** That the water standby charge per acre of land, or per parcel of land less than an acre, as shown in the Engineer's Report, shall be \$11.51 which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of SDCWA.

**Section 3.** That no water standby charge on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel, as shown in the Engineer's Report. The Engineer's Report separates the special benefits from the general benefits and identifies each of the parcels on which a special benefit is conferred.

**Section 4.** That the water standby charge shall be collected on the tax rolls, together with the ad valorem property taxes, which are levied by Metropolitan for the payment of pre-1978 voter-approved indebtedness. Any amounts so collected shall be applied as a credit against SDCWA's obligation to pay its readiness-to-serve charge for fiscal year 2011/12. After such member agency's readiness-to-serve charge allocation is fully satisfied, any additional collections shall be credited to other outstanding obligations of such member agency to Metropolitan or future readiness-to-serve obligations of such agency.

**Section 5.** That the water standby charge is fixed and adopted contingent upon completion of annexation of the land described in the Engineer's Report. If such annexation is not completed in time to permit imposition of standby charges for fiscal year 2011/12, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

**Section 6.** That in the event that the water standby charge, or any portion thereof, is determined to be an unauthorized or invalid fee, charge or assessment by a final judgment in any proceeding at law or in equity, which judgment is not subject to appeal, or if the collection of the water standby charge shall be permanently enjoined and appeals of such injunction have been declined or exhausted, or if Metropolitan shall determine to rescind or revoke the water standby charge, then no further water standby charge shall be collected within the territory described in the Engineer's Report and SDCWA shall pay its readiness-to-serve charge obligation to Metropolitan in full, as if imposition of such water standby charges had never been sought.

**Section 7.** That pursuant to the provisions of the California Environmental Quality Act (CEQA), the County of San Diego Board of Supervisors, acting as Lead Agency, certified a Final Environmental Impact Report (Final EIR) and approved the project on July 10, 2008, for the development of the proposed annexation parcel(s) (i.e., Peaceful Valley Ranch Project), and that the Board of Directors of Metropolitan, as Responsible Agency under CEQA, has certified that it reviewed and considered the information contained in the Final EIR and in the Mitigation Monitoring and Reporting Program, and has adopted the Lead Agency's Finding of Fact and Statement of Overriding Considerations prior to approval of fixing and adopting water standby charges for the Peaceful Valley Ranch Annexation.

**Compliance with Water Authority Annexation Policies**  
January 18, 2012

Policy No.	Water Authority Annexation Policy	Summary of Policy	Water Authority Staff Evaluation Has Policy Been Satisfied? (If "no", potential condition has been identified)
1	Relationship to San Diego Local Agency Formation Commission (LAFCO) and Metropolitan Water District of Southern California (Metropolitan) Policies	Any annexation shall be in accordance with the County Water Authority Act and applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000 et seq.). Annexation shall not conflict with Metropolitan Administrative Code, Division III.	<p><b>Yes No (Include as final condition)</b>  <i>Compliance is met through the following actions:</i></p> <ol style="list-style-type: none"> <li>1. <i>Water Authority approval in accordance with the County Water Authority Act.</i></li> <li>2. <i>MWD approval in accordance with the Metropolitan Administrative Code, Division III.</i></li> <li>3. <i>LAFCO approval in accordance with applicable provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code Section 56000 et seq.).</i></li> </ol>
2	Protection of Member Agency Supply Reliability	The Water Authority shall evaluate the adequacy of water supplies and facilities to meet the needs of the proposed annexed territory based on adopted Water Authority facilities and supply plans, including without limitation the 2004 Water Facilities Master Plan and the 2005 Urban Water Management Plan.	<b>Yes X No</b> (Refer to Attachment 3 to the Board memo, Compliance with Water Authority Annexation Policy #2).
3A	Conservation and Local Supply Use Requirements	<p>The Board may condition an annexation to require developments and development projects in the annexed territory to:</p> <ol style="list-style-type: none"> <li>1. Utilize recycled water in accordance with California Water Code;</li> <li>2. Incorporate water conserving design and improvements within subdivisions, both residential and commercial and;</li> <li>3. Incorporate water conserving design and improvements in building, grading, landscaping, and other similar development and construction plans;</li> <li>4. Require maintenance of water conserving landscape through CC&amp;Rs.</li> </ol>	<p><b>Yes X No</b>  Recycled water is not available in the region of the project and there are no plans to extend recycled water infrastructure to the region, thus making the use of recycled water impractical.</p> <p>Otay's Code of Ordinances section 27.05, related to conservation and local supply use requirements, is consistent with this policy (Attachment 4 to Board memo, section 27.05 Conservation and Local Supply Use Requirements). The owner/applicant for the proposed annexation has committed to complying with the proposed conditions by way of a letter dated June 15, 2010 (Attachment 5 to Board memo).</p>

**Compliance with Water Authority Annexation Policies**

Policy No.	Water Authority Annexation Policy	Summary of Policy	Water Authority Staff Evaluation Has Policy Been Satisfied? (If "no", potential condition has been identified)
3B	Conservation and Local Supply Use Requirements	<p>Member agency with jurisdiction over the proposed annexation shall submit evidence of the following prior to Board approval:</p> <ol style="list-style-type: none"> <li>1. Regulatory plan to require all new developments within proposed annexing territories and member agency's service area to incorporate water conserving design and improvements based on current Water Authority water-use-efficiency policies.</li> <li>2. Regulatory plan to require all new developments within proposed annexing territories to use recycled water, or explain why such use in infeasible.</li> </ol>	<p>Yes <input checked="" type="checkbox"/> No</p> <ol style="list-style-type: none"> <li>1. On January 6, 2010, Otay amended section 27 of their Code of Ordinances related to conservation and local supply use requirements consistent with Water Authority policy (Attachment 4 to Board memo).</li> <li>2. Recycled water is not available in the region of the project and there are no plans at this time to extend recycled water infrastructure to the region, thus making the use of recycled water impractical.</li> </ol>
3B	Conservation and Local Supply Use Requirements	<p>Member agency with jurisdiction over the proposed annexation shall submit evidence of the following prior to Board approval: Member agency is signatory to and in substantial compliance with the (CUWCC) Memorandum of Understanding (MOU).</p>	<p>Yes <input checked="" type="checkbox"/> No</p> <p>Otay became a signatory to the MOU in September 1991, and is in substantial compliance with the MOU.</p>

### Compliance with Water Authority Annexation Policies

Policy No.	Water Authority Annexation Policy	Summary of Policy	Water Authority Staff Evaluation Has Policy Been Satisfied? (If "no", potential condition has been identified)
3B	Conservation and Local Supply Use Requirements	<p>Member agency with jurisdiction over the proposed annexation shall submit evidence of the following prior to Board approval:</p> <ol style="list-style-type: none"> <li>1. Member agency has accounted for groundwater and surface water supplies available to the annexing territory in water management plans.</li> <li>2. Member agency is maximizing recycled water use and groundwater throughout its service area or has conducted feasibility studies that have determined recycled water infeasible.</li> </ol>	<p><b>Yes X No</b>            Otay relies on imported water to satisfy all of its potable water demands and much of its non-potable demands. There is no surface water available in Otay's service area. According to Otay's 2010 Urban Water Management Plan and its 2007 Integrated Resources Plan, Otay is investigating the potential for developing local groundwater supplies.</p> <p>Under a Major Use Permit from the County of San Diego for the proposed project, limited groundwater will be permitted to irrigate the private equestrian field. (22 AFY at build-out) The owner/applicant for the proposed annexation committed to use groundwater to the extent practicable by way of a letter on June 15, 2010 (Attachment 5 to Board memo).</p> <p>Otay is working to expand recycled water use in its service area. Ultimately, recycled water is expected to represent about 15 percent of the Otay's total water supply.</p>
3B	Conservation and Local Supply Use Requirements	<p>Member agency with jurisdiction over the proposed annexation shall submit evidence of the following prior to Board approval:</p> <ol style="list-style-type: none"> <li>1. Member agency is offering Water Authority and Metropolitan sponsored water conservation programs to new development and encouraging participation.</li> </ol>	<p><b>Yes X No</b>            Otay co-funds and participates in Water Authority and Metropolitan sponsored water conservation programs that are available to existing and new developments.</p>
4	Annexation Fee	<p>Annexing territory shall pay an annexation fee in an amount set by the Board.</p>	<p><b>Yes No (Include as final condition)</b>  <i>Payment of annexation fee will be established as final condition associated with approval of annexation.</i></p>
5	Priority given to Annexations to Member Agency	<p>Priority shall be given to proposals for annexation to an existing member agency.</p>	<p><b>Yes X No</b>            The proposed annexation is to the Otay, which is an existing Water Authority member agency.</p>

### Compliance with Water Authority Annexation Policies

Policy No.	Water Authority Annexation Policy	Summary of Policy	Water Authority Staff Evaluation Has Policy Been Satisfied? (If "no", potential condition has been identified)
6	Concurrent annexation to Metropolitan, Water Authority and Member Agency	Proposals for annexation to a member agency shall be processed concurrently with an application for annexation to the Water Authority and Metropolitan.	<p><b>Yes X No</b> The property is already within Otay's service area. Otay Resolution No. 3992 states that annexation to Otay's Improvement District No 9 to receive water service is conditioned upon final annexation by both the Water Authority and MWD (Attachment 1.A to Board memo).</p>
7	Facilities necessary to connect annexing Territory or New Member Agency	Facilities and works necessary to connect annexed territory or new member agency to Water Authority facilities and works shall be provided at the cost of the annexed territory or new member agency, as determined by the Board.	<p><b>Yes X No</b> Otay Resolution No. 3992 states that facilities necessary to connect annexed territory to Water Authority facilities shall be provided at the cost of the annexing territory.</p>
8	Environmental Compliance	Annexation to the Water Authority is a project subject to the California Environmental Quality Act (CEQA).	<p><b>Yes X No</b> As the lead agency for the project, the County of San Diego Department of Planning and Land Use (County) filed a Notice of Determination (NOD) that a Final Environmental Impact Report (EIR) was prepared and certified pursuant to CEQA provisions. The County determined that the project will have a significant impact on the environment and mitigation measures were made a condition of the project approval. As a Responsible Agency under CEQA, the Board may rely on this environmental review as part of final approval of the annexation. A copy of the Final EIR and associated documents will be submitted to the Board for their review prior to final approval of the annexation.</p>
9	Consistent with Land-Use Approvals	The member agency with jurisdiction over the annexing territory shall provide certification from the city with jurisdiction over the annexing territory that the annexation is consistent with and supports the timing, location, and development intensity of the city's general plan and applicable specific plans.	<p><b>Yes X No</b> The Peaceful Valley Ranch is located in an unincorporated area of San Diego County. On July 23, 2008, the County adopted a resolution conditionally approving the Peaceful Valley Ranch project's Tentative Map No. 534RPL consistent with the San Diego County General Plan and Zoning Ordinance.</p>
10	Total annexation of Ownership Lands	All parcels within an area proposed for annexation under single ownership or development control shall be annexed concurrently unless the member agency and city with jurisdiction over the annexing territory provide evidence that partial annexation is consistent with land use policies of the city.	<p><b>Yes X No</b> The entire approximately 152.4-acre territory is being annexed concurrently.</p>

### Compliance with Water Authority Annexation Policies

Policy No.	Water Authority Annexation Policy	Summary of Policy	Water Authority Staff Evaluation Has Policy Been Satisfied? (If "no", potential condition has been identified)
11	Avoid formation of Islands/Windows	Unless the Board determines that Water Authority's interests would not be adversely affected, "windows" and "islands" shall not be created by an annexation.	<p><b>Yes X No</b></p> <p>The proposed annexation would result in creation of window areas within the Water Authority and Metropolitan service area. The areas that would create windows are under different ownership from the applicant. The Stoddard property is interested in annexation at a later time. Back in July 2004, the applicant contacted the other property owners that would result in creation of windows to inform them of the request to annex, and none of the owners were interested in annexation at that time. In July 2010, Otay contacted the property owners, who are still not interested in annexation of their lands.</p> <p>Staff is recommending that a determination be made that the creation of window areas within the Water Authority's service area would not adversely affect the Water Authority's interests. Otay has made an effort to eliminate the formation of windows through contacting the landowners. The majority of the annexing property is co-terminus to the Water Authority service area. In addition, to prevent use of imported supplies outside the Water Authority's service area that could occur with the creation of windows, Otay has stated that they conduct continuous monitoring of their facilities to preclude illegal tapping of mains.</p>
12	Administrative Costs	Prior to acceptance by the Water Authority of an application for annexation, the applicant shall deposit an administrative fee to cover costs incurred by the Water Authority as a result of annexation proceedings.	<p><b>Yes X No</b></p> <p>The administrative fee of \$3,000 was provided to the Water Authority.</p>
13	Annexation of Tribal Lands	Indian tribal lands may be annexed in compliance with Water Authority annexation policies. In addition, a contract shall be entered into and additional conditions may apply.	Not Applicable

**Compliance with Water Authority Annexation Policy # 2**

January 18, 2012

April 2010 Procedures: Potential Adverse Effect Situations		Staff Evaluation based on Situations
Potential Regional Adverse Effect	Reason for Potential Regional Adverse Effect and Possible Mitigation Measures	Is there a Potential Regional Adverse Effect?
Annexing territory demands not included in the Water Authority's UWMP	Supplies have not been planned in UWMP to meet annexation demands. If Water Authority cannot identify additional supplies, member agency develops supplies, potentially offset project.	Yes No <b>X</b> The 70 acre-feet/year projected water demands associated with the proposed annexation was included in the 2010 UWMP as a potential near term annexation.
Actual demands exceeding forecasted UWMP demands	Supplies may not be adequate to meet demands of annexation and region. If Water Authority cannot identify additional supplies, member agency develops supplies, potentially offset project.	Yes No <b>X</b> Actual demands are not exceeding forecasted UWMP demands.
Water Shortage and Drought Response Plan activated, due to uncertain supplies or shortages	Increasing demands due to annexation may cause further member agency cuts or exceedance of allocation from MWD. Member agency allocation base period demand would not be increased due to annexation.	Yes No <b>X</b> The Water Authority Water Shortage and Drought Response Plan (WSDRP) is not activated.
Existing facilities insufficient to provide average annual and peak deliveries	Increasing demands due to annexation further jeopardizes system reliability. Identified on case-by case basis.	Yes No <b>X</b> Existing facilities are sufficient to provide average annual and peak deliveries.

**Compliance with Water Authority Annexation Policy # 2**  
January 18, 2012

April 2010 Procedures: Potential Adverse Effect Situations		Staff Evaluation based on Situations
Potential Regional Adverse Effect	Reason for Potential Regional Adverse Effect and Possible Mitigation Measures	Is there a Potential Regional Adverse Effect?
Annexing territory demands not included in the Water Authority's UWMP	Supplies have not been planned in UWMP to meet annexation demands. If Water Authority cannot identify additional supplies, member agency develops supplies, potentially offset project.	Yes No <input checked="" type="checkbox"/> X The 70 acre-feet/year projected water demands associated with the proposed annexation was included in the 2010 UWMP as a potential near term annexation.
Actual demands exceeding forecasted UWMP demands	Supplies may not be adequate to meet demands of annexation and region. If Water Authority cannot identify additional supplies, member agency develops supplies, potentially offset project.	Yes No <input checked="" type="checkbox"/> X Actual demands are not exceeding forecasted UWMP demands.
Water Shortage and Drought Response Plan activated, due to uncertain supplies or shortages	Increasing demands due to annexation may cause further member agency cuts or exceedance of allocation from MWD. Member agency allocation base period demand would not be increased due to annexation.	Yes No <input checked="" type="checkbox"/> X The Water Authority Water Shortage and Drought Response Plan (WSDRP) is not activated.
Existing facilities insufficient to provide average annual and peak deliveries	Increasing demands due to annexation further jeopardizes system reliability. Identified on case-by case basis.	Yes No <input checked="" type="checkbox"/> X Existing facilities are sufficient to provide average annual and peak deliveries.

SECTION 27 REQUIREMENTS AND LIMITATIONS FOR OBTAINING WATER SERVICE

27.01 REQUIREMENT FOR WATER/SEWER PERMIT AND PAYMENT OF FEES, CHARGES, AND DEPOSITS

A. Requirement for Water/Sewer Permits. Water meters shall not be installed nor water service furnished until an application, in the form of a water/sewer permit, has been executed by the customer at the District office.

B. Requirement for Payment of Fees, Charges and Deposits. Payment of all required fees, charges and deposits shall be made by the customer at the time the water meter is purchased. A customer requesting water service shall pay the fees, charges, and deposits as set forth in Section 28 of this Code.

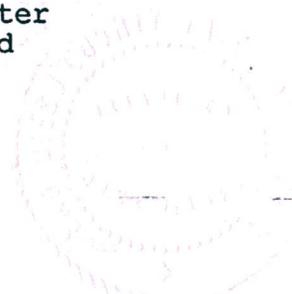
C. Requirement for a Building Permit. A customer requesting permanent water service shall be required to present a valid building permit for the property issued by the appropriate governmental agency, except that a building permit is not required by a customer requesting permanent water service to: 1) install and maintain landscaping prior to the construction of a building; 2) perform mass grading operations; or 3) to satisfy conditions imposed by other government agencies, including a single meter for grading for four lots or less which are part of the same parcel map. Government agencies shall be exempt from the requirement of presenting a valid building permit.

D. Requirement for a Service Lateral. The customer requesting water service shall either have an existing service lateral or purchase a new lateral installation at the time of the meter purchase.

E. Commercial Parcels - 5,000 square feet or Larger Irrigated Landscape. When a customer requests water service on a parcel of land with irrigated landscape equal to 5,000 square feet or more, a separate meter will be required for irrigation purposes on the site.

F. Reclaimed Water Service Areas. In areas designated as reclaimed water service areas, the customer shall be required to install a separate reclaimed water service lateral and meter to supply irrigation to the parcel.

G. Second Meter For Indoor Use. Any customer who obtained a single meter prior to October 17, 1990, a second meter for indoor use may be obtained, without paying water capacity fees, San Diego County Water Authority fees and applicable zone charges on the second meter, if the following criteria are met:



1. The additional meter is solely for the purpose of isolating current domestic (indoor) water use from that used for outdoor landscaping. The additional meter shall be on a separate lateral.

2. All costs of on-site plumbing changes, including approved back-flow prevention devices, will be the responsibility of the customer.

3. The customer acknowledges that adding a second meter will result in a second water bill and associated monthly system fee.

4. The customer will be required to pay all fees and charges prior to meter installation.

#### 27.02 SIZE OF WATER METER

A water meter shall be sized to ensure that the maximum demand (in gallons per minute) will not exceed 80% of the manufacturer's recommended maximum flow rate, as shown in Section 27.03. In no case shall the water meter size be less than  $\frac{3}{4}$ -inch. The size of the water meter and service lateral required for water service shall be determined by the General Manager as follows:

A. Detached Single-Family Residential Dwelling Unit. The customer may submit calculated maximum demand (in gallons per minute), provided that maximum demand must be more than twenty four (24) gallons per minute.

B. Apartments, Condominiums, Mobile Home Parks and other Multiple Family Residential Dwelling Units with Individual Meters. The calculated maximum demand shall be per Section 27.02A.

C. Business, Commercial, Industrial, Apartments, Condominiums, Mobile Home Parks and other Multiple-Family Residential Dwelling Units. The customer shall submit building plans signed by a licensed building architect. The plans shall list the number of fixture units, the parcel size (in acres), and the calculated maximum demand (in gallons per minute) to be placed on each water meter.

D. Irrigation. The customer shall submit irrigation plans signed by a licensed landscape architect. The plans shall indicate the calculated maximum demand (in gallons per minute) to be placed on each water meter and the total area to be irrigated (in square feet). The plans must also be in compliance with the requirements of Section 27.05.

E. Other. In the case of other types of service not included above, the customer shall submit information as

requested by the General Manager. Any customer may request and purchase a separate meter to isolate landscaping from indoor use.

F. Requirement for Multiple Meters. The General Manager may require multiple meters when it is in the best interest of the District.

27.03 MANUFACTURERS RECOMMENDED MAXIMUM FLOW RATE FOR DISTRICT METERS

Customers are cautioned to control the rates of flow of water through District meters. Operation of a meter at flows in excess of the manufacturer's recommendations will cause severe damage to operating parts. Rated capacities for meters used in this District are as follows:

ORDINARY METERS

<u>Meter Size In Inches</u>	<u>Manufacturer's Recommended Maximum Rate in U. S. Gallons per Minute</u>
3/4	30
1	50
1-1/2	100
2	160
3	530
4	1350
6	2700
8	3500
10	6500

COMPOUND METERS

(Multi-family, Apartments etc.)

2	285
3	480
4	750
6	1700

27.04 USE OF SUBMETERS FOR RESALE OR DISTRIBUTION OF WATER

Owners or operators of mobile home parks, apartments, condominium complexes, industrial complexes and land used for agricultural purposes may resell water furnished by the District through the use of a submetering system under the following conditions: (1) owners and operators shall comply with State law (California Code of Regulations Section 4090) prohibiting any surcharge on the water rate; (2) the water system on the private property side of the master meter, including the submeters, shall be solely the responsibility of the owner or operator; and (3) the owner or operator shall clearly delineate on the bill that any cost associated

with the submeters is a cost imposed by the property owner or operator and not by Otay Water District.

27.05      CONSERVATION AND LOCAL SUPPLY USE REQUIREMENTS

The requirements below apply to all new residential and commercial developments or redevelopments. The landscape requirements also apply to any re-landscaping that is subject to review by the District, the County of San Diego, City of Chula Vista or the City of San Diego.

1. Indoor Fixtures and Appliances. All water fixtures and appliances installed, including the ones in the following list, must be high-efficiency:

- Toilets and urinals
- Faucets
- Showerheads
- Clothes Washers
- Dishwashers

"High-efficiency" means fixtures and appliances that comply with the most efficient specifications under the EPA WaterSense® or Energy Star programs,<sup>1</sup> as in effect at the time installation commences.

2. Landscape requirements. Only "Smart" irrigation controllers<sup>2</sup> may be installed and only low-water use plants may be used in non recreational landscapes. All landscapes must also be designed and managed consistent with requirements of the local agency within which the property is located, be it the County of San Diego, the City of Chula Vista or the City of San Diego.

a. Installed smart irrigation controllers shall be properly programmed/scheduled according to the manufacturer's instructions and/or site specific conditions based on soil type, plant type, irrigation type, weather and/or reference evapotranspiration data.

b. Two irrigation schedules shall be prepared, one for the initial establishment period of three months or until summer hardened, and one for the established landscape, which incorporates the specific water needs of the plants and turf throughout the calendar year. The schedules shall be continuously available on site to those responsible for the landscape maintenance and posted at the smart controller.

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<sup>1</sup> Certified EPA WaterSense products, and Energy Star products, are at least 20% more efficient than the applicable federal standards.

<sup>2</sup> Smart Irrigation Controller means a controller that uses real time, soil moisture or weather data to automatically adjust irrigation run-times. Furthermore, to qualify as a Smart Irrigation Controller, the device must be certified by the Irrigation Association and/or the EPA WaterSense program.

c. Any Covenants, Conditions, and Restrictions (CC&Rs) pertaining to a new subdivision/development shall not limit or prohibit the use and maintenance of low water use plant materials and the use of artificial turf, and shall require property owners to design and maintain their landscapes consistent with the applicable City and County's regulations.

d. Dedicated irrigation meters shall be installed in:

- All parks and common areas with 5,000 square feet or more of irrigated landscape
- Commercial sites with 5,000 square feet or more of irrigated landscape

e. In compliance with Section 23.03 of this Code of Ordinance, pressure regulators must be installed when and where appropriate to maximize the life expectancy and efficiency of the irrigation system.

5. New commercial developments must install separate, dual-distribution systems for potable and recycled water.

6. The requirements of this Section shall not be interpreted in any way to limit the owner's obligation to comply with any other applicable federal, state, or local laws or regulations.



OTAY WATER DISTRICT  
RECEIVED

2010 JUN 18 PM 2: 08

**MOSER VENTURES, Inc**  
3802 Quarter Mile Drive  
San Diego, CA 92130  
Tel: (858) 414-9928  
[dmoser@moserventures.com](mailto:dmoser@moserventures.com)

June 15, 2010

Mr. Robert Kennedy  
Associate Civil Engineer  
Otay Water District  
2554 Sweetwater Springs Road  
Spring Valley, CA 91978-2004

**RE: PEACEFUL VALLEY RANCH ANNEXATION**

Dear Bob:

As project manager for and on behalf of Peaceful Valley Ranch LLC (PVR LLC), owner of the Peaceful Valley Ranch project, this letter is to confirm the commitment of PVR LLC to fully meet the Otay Water District's ordinance on conservation and local supply use requirements as described in section 27.05 of the Otay Water District Code of Regulations.

Additionally, Peaceful Valley Ranch LLC will utilize ground water to the fullest extent practical, within the limitations of the Peaceful Valley Ranch Major Use Permit.

Sincerely,

MOSER VENTURES INC.  
For and on behalf of Peaceful Valley Ranch LLC



Dennis M. Moser  
President

cc: Streeter Parker, PVR LLC



**ATTACHMENT E**

San Diego County Water Authority Referenced  
Resolution

**RESOLUTION NO. 2012- 01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY SETTING FINAL TERMS AND CONDITIONS AND APPROVING THE CONCURRENT ANNEXATION OF TERRITORY TO SAID AGENCIES AND MAKING ENVIRONMENTAL FINDINGS RELATING THERETO (PEACEFUL VALLEY RANCH ANNEXATION)**

WHEREAS, pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the Otay Water District adopted Resolution No. 3992, requesting concurrent annexation from the San Diego County Water Authority and Metropolitan Water District of the lands described in Resolution No. 3992, and known as the PEACEFUL VALLEY RANCH ANNEXATION; and

WHEREAS, a copy of Otay Water District Resolution No. 3992, is attached (Attachment 1.A); and

WHEREAS, the land description contained in Otay Water District Resolution No. 3992 contains a 8.3 acre parcel (portion of parcel 4 of Parcel Map No. 16190) that is not part of the Peaceful Valley Ranch development and will be processed for annexation under separate action at a later date; and

WHEREAS, pursuant to Section 10(d) of the County Water Authority Act, the Board of Directors of the San Diego County Water Authority may grant or deny the application and, in granting the application, may fix terms and conditions upon which the territory may be annexed to the San Diego County Water Authority; and

WHEREAS, the Board of Directors of the San Diego County Water Authority adopted Annexation Policies in February 2006 that provide criteria for the evaluation of potential annexations and conditions that may be applied; and

WHEREAS, the Board of Directors of the San Diego County Water Authority approved Procedures for Implementation of the San Diego County Water Authority's Annexation Policy #2: Protection of Member Agency Supply Reliability in April 2010 that provide guidance and direction in determining if approval of a proposed annexation will have an adverse effect on member agency supply reliability; and

WHEREAS, by Resolution No. 2010-11, adopted July 22, 2010, the Board of Directors of the San Diego County Water Authority granted preliminary informal terms and conditions for the PEACEFUL VALLEY RANCH ANNEXATION, and requested Metropolitan Water District of Southern California grant conditional approval and give notice of intent to impose water standby charges; and

WHEREAS, on July 12, 2011, the Board of Directors of the Metropolitan Water District granted conditional approval and by Resolution 9124 gave notice of intent to impose water standby charges for the PEACEFUL VALLEY RANCH ANNEXATION; and

WHEREAS, by Resolution No. 2011-17 on August 25, 2011, the Board of Directors of the San Diego County Water Authority requested Metropolitan Water District of Southern California adopt formal terms and conditions for the PEACEFUL VALLEY RANCH ANNEXATION; and

WHEREAS, by Resolutions 9133 and 9134 on December 13, 2011, the Board of Directors of the Metropolitan Water District of Southern California consented to the annexation, fixed terms and conditions, and adopted a water standby charge for the PEACEFUL VALLEY RANCH ANNEXATION (Attachment 1.B); and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) and the state CEQA Guidelines, the San Diego County Board of Supervisors, acting as Lead Agency, prepared and processed a Final Environmental Impact Report (Final EIR) for the proposed PEACEFUL VALLEY RANCH MAJOR SUBDIVISION project. The Final EIR was certified and the project approved by the Lead Agency on July 24, 2008. The Lead Agency also approved the Findings of Fact, the Statement of Overriding Considerations (SOC) and the Mitigation Monitoring and Reporting Program (MMRP). The San Diego County Water Authority Board of Directors, as a Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information contained in the certified Final EIR, Findings of Fact, SOC and MMRP prior to approval of the formal terms and conditions for the annexation; and

WHEREAS, it is in the interests of the San Diego County Water Authority to set formal terms and conditions provided by the Metropolitan Water District of Southern California for the annexation of the properties described in Attachment 1.A.

NOW, THEREFORE, the Board of Directors RESOLVES the following:

1. That it has considered the information provided in the certified Final EIR, Findings of Fact, SOC, and MMRP and finds that no further environmental analysis is required for the action of the San Diego County Water Authority, and hereby adopts the Lead Agency's Findings of Fact, SOC, and MMRP for all impacts related to the annexation.
2. That subject to the following terms and conditions, to grant the application of the governing body of Otay Water District for consent to annex the PEACEFUL VALLEY RANCH to the San Diego County Water Authority and to establish the following conditions of such annexation:
  - a. That the terms and conditions as ordered by Board of Directors of the Metropolitan Water District of Southern California shown on Attachment 1.B, be a condition for the concurrent annexation to said Metropolitan Water District of Southern California and the San Diego County Water Authority, of

the PEACEFUL VALLEY RANCH, as described in Otay Water District Resolution No. 3992, excluding 8.3 acre parcel which is portion of parcel 4 of Parcel Map No. 16190 (Attachment 1.A).

- b. All necessary certificates, statements, maps, and other documents required to be filed by or on behalf of the Otay Water District to effectuate the annexation shall be filed on or before December 31, 2012.
  - c. Prior to filing a request for a Certificate of Completion of the annexation proceedings with San Diego Local Agency Formation Commission, Otay Water District shall submit a certified copy of the San Diego Local Agency Formation Commission's resolution approving the annexation to the San Diego County Water Authority, and shall pay to the San Diego County Water Authority the sum of \$446,379.06, along with the annexation charge for the Metropolitan Water District of Southern California, calculated based on the current rate, in accordance with Metropolitan's Administrative Code Section 3300.
  - d. Pursuant to Section 5.2 of the County Water Authority Act, the San Diego County Water Authority shall impose standby charges to the properties to be annexed and the property owners shall sign a consent agreement regarding the payment of standby charges.
  - e. That the property owner acknowledges and agrees to participate in any required Proposition 218 action, and will not oppose the imposition of any special taxes, fees, charges, and assessments currently applicable to the San Diego County Water Authority and any applicable service area.
3. That the General Manager is authorized and directed to forward certified copies of this resolution to the Metropolitan Water District of Southern California, and Otay Water District.
  4. That the General Manager be directed to file a Notice of Determination as provided in Section 15096 of the State CEQA Guidelines.

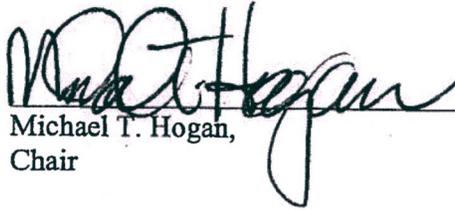
PASSED, APPROVED, AND ADOPTED on this twenty-sixth day of January 2012.

Ayes: Unless otherwise noted, all Directors present voted aye.

Noes: None

Abstain: Directors Croucher and Watton abstained.

Absent: Arant, Boyle, Heidel, Linden (p), McIntosh, Morrison, Price and Tu

  
Michael T. Hogan,  
Chair

ATTEST:

  
Richard K. Smith,  
Secretary

I, Doria F. Lore, Clerk of the Board of the San Diego County Water Authority, certify that the vote above is correct and this Resolution No. 2012- 01 was duly adopted at the meeting of the Board of Directors on the date stated above.

  
Doria F. Lore  
Clerk of the Board