



Agenda Date: 7/11/2024

Agenda Item: 6R-1

MT. VIEW SANITARY DISTRICT

## **Mt. View Sanitary District**

### **GENERAL MANAGER'S REPORT**

A Monthly Report to the Board and Public

**JULY 11, 2024**

**3:30 PM**

The next regular scheduled Board meeting is AUGUST 8, 2024

**GENERAL MANAGER, LILIA M. CORONA – JUNE 2024**

#### **CONSOLIDATION FEASIBILITY STUDY UPDATE**

One proposal was received on June 5, 2024, from Raffelis with engineering subcontractors HDR and Woodard & Curran. The MVSD Ad Hoc Committee and MVSD staff members reviewed the proposal and developed a list of questions for the consultant. Central San will provide MVSD with a complete list of their questions before the consultant interview scheduled for July 9, 2024, at 10:00 am in the Central San Multipurpose Room.

#### **CALIFORNIA SPECIAL DISTRICTS ASSOCIATION'S (CSDA) INITIATIVE 1935 UPDATE**

ON JUNE 20, 2024 Today, the California Supreme Court ruled Initiative 1935 ineligible for the November 2024 statewide ballot. Known by opponents as The Taxpayer Deception Act, Initiative 1935 would have revised the State Constitution to retroactively invalidate hundreds of local ballot measures and jeopardized billions of dollars in funding for essential services.

In its 7-0 opinion in the case of [Legislature v. Weber](#), authored by Justice Liu and concurred with by Chief Justice Guerrero and Justices Corrigan, Kruger, Groban, Jenkins, and Evans, the Court concluded that "Petitioners have clearly established that the challenged measure would revise the Constitution without

complying with the appropriate procedure. The changes proposed by the TPA [Taxpayer Protection Act] are within the electorate's prerogative to enact, but because those changes would substantially alter our basic plan of government, the proposal cannot be enacted by initiative. It is instead governed by the procedures for revising our Constitution. We therefore issue a peremptory writ of mandate directing the Secretary to refrain from taking any steps to place the TPA on the November 5, 2024 election ballot or to include the measure in the voter information guide."

In response to the opinion, CSDA Chief Executive Officer Neil McCormick issued the following statement:

"The California Supreme Court today took decisive action to preserve the rights of voters and to protect local control, as well as the State Constitution. By finding Initiative 1935 to be unconstitutional, the Court clearly recognized this dangerous and illegal measure was in conflict with the principles of our democracy. This decisive action will protect communities from disruptions to essential services like water, sanitation, and fire protection, which would have been otherwise unavoidable under the draconian and retroactive provisions of the initiative."

CSDA has stood in opposition to Initiative 1935 since its initial filing as Initiative 21-0042A1, working diligently to educate members and stakeholders on the dangerous and unlawful impacts the measure would have on California's communities. Over 140 special districts adopted an opposing resolution on the initiative.

The State Legislature, Governor Gavin Newsom, and former Senate President Pro Tem John Burton filed a petition in the original jurisdiction of the Supreme Court for an order directing Secretary Weber to remove the measure from the ballot. The Supreme Court typically hears appeals from lower courts, and the exercise of its original jurisdiction is rare. At the urging of a wide range of amici, coalition of local government advocates including the CSDA among them, the Court ordered full briefing and argument of the petition.

Today's decision does not become final until five days after the opinion has been filed. In the interim, the Court has discretion whether to grant a timely petition for rehearing or to modify its decision. If a petition for rehearing is granted, the process begins again, and a new calendar memorandum is prepared and circulated.

In the wake of this opinion on Initiative 1935, attention turns to the June 27 deadline for the Legislature to add measures to the ballot, such as bonds, as well as for initiative proponents to negotiate with the State Legislature over potential compromises.

## **BAY AREA CLEAN WATER AGENCIES (BACWA) NEWS**

### **Adoption Hearing for Nutrient Watershed Permit Delayed to July 10th**

On Wednesday, July 10th, the Regional Water Board will hold an adoption hearing to consider reissuing the Nutrient Watershed Permit. Members are encouraged to testify at the adoption hearing and can join the meeting virtually or in-person at the Regional Water Board offices in Oakland.

About two weeks before the hearing (around June 27th), the Regional Water Board plans to release materials related to the adoption hearing. These materials will include a response-to-comments document; a revised version of the **April 2024 draft permit** reflecting input from the public comment period; and a draft resolution directing Regional Water Board staff to consider options for providing more time to comply with the permit's final effluent limitations, which will otherwise be going into effect for the 2035 dry season.

### **Stricter Emissions Requirements Coming for Standby Generators**

Later, in 2024, the **Bay Area Air Quality Management District** (BAAQMD) plans to update its **BACT / TBACT Workbook** for diesel engines > 50 hP and < 1,000 hP used for emergency power. BAAQMD expects that these engines will soon be required to meet USEPA's Tier 4 emission requirements. Other regions of the state, such as the **Sac Metro AQMD**, have already adopted Tier 4 emissions standards for diesel engines > 50 hP. BAAQMD plans to release a public notice and host public workshops on this topic later in 2024. Unlike the previous Tier 4 BACT determination for large standby generators (>1,000 hP) in late 2020, this rule change is not expected to apply retroactively.

## **CONTRACTS**

Under the authority to sign contracts that do not exceed \$75,000 (Resolutions No. 1070-2004 and No. 1512-2020), I have executed the following agreements:

- Service Agreement 24-0002 with Websoft Developers for fiscal year 2024-2025 for the furnishing of professional services in connection with GIS & MMS Hosting, Leasing, License, and Maintenance, GIS & MMS technical support, and Sewer Service Charges technical support; not to exceed \$51,950. Task Orders No. 1-3: Task Order No. 1 for GIS & MMS Hosting and License not to exceed \$19,950, Task Order No. 2 for Technical Support, not

to exceed \$20,000, and Task Order No. 3 for sewer service charges support, not to exceed \$12,000.

- Service Agreement 24-0003 not to exceed \$57,000 and Task Order No. 1 not to exceed \$54,000 for fiscal year 2024-2025 with Lone Tree Trucking for biosolids transportation.
- Cropper Rowe, LLP Certified Public Accountants Engagement letter for fiscal year 2024-2025 annual financial audit, not to exceed \$21,125 plus \$1,500 for the State Controller's Report.