



## **Proposed Staff Recommendation Consent Calendar for December 8, 2016**

### **WATER PLANNING COMMITTEE**

- 9- 1. Resolution requesting from the Metropolitan Water District of Southern California a one-year extension of time for completion of the Rainbow Municipal Water District's Campus Park West Annexation.

Adopt Resolution No. 2016-\_\_ to:

- a. Request the Metropolitan Water District of Southern California extend the time for completion of Rainbow Municipal Water District's Campus Park West Annexation to December 31, 2017, in accordance with Section 3108 of Metropolitan Water District of Southern California's Administrative Code.
  - b. Reaffirm all other terms and conditions as set forth in San Diego County Water Authority Resolution No. 2015-01 and Metropolitan Water District of Southern California Resolution No. 9184.
- 9- 2. Agreement for Emergency Delivery of a Portion of the Mexican Treaty Waters to Tijuana for an additional five-year period.  
Reaffirm prior approval authorizing the General Manager to enter into an Agreement for Temporary Emergency Delivery of a Portion of the Mexican Treaty Waters of the Colorado River to the International Boundary in the Vicinity of Tijuana, Baja California, Mexico, and for Operation of Facilities in the United States in a form approved by General Counsel.
- 9- 3. Policy Guidelines for Managing Carryover Storage Supplies and Revisions to the Stored Water Fund Policy.  
Approve policy guidelines for managing the Water Authority's carryover storage supplies.

### **ADMINISTRATION AND FINANCE COMMITTEE**

- 9- 4. Monthly Treasurer's Report on Investments and Cash Flow.  
Note and file monthly Treasurer's Report.
- 9- 5. Adopt the Vote Entitlements Resolution for Calendar Year 2017.  
Adopt Resolution No. 2016-\_\_ establishing the vote and representative entitlements of each member agency effective January 1, 2017.
- 9- 6. Ordinance amending chapter 2.00 of the Administrative Code.  
Adopt Ordinance No. 2016-\_\_, an ordinance of the Board of Directors of the San Diego County Water Authority amending chapter 2.00 of the Administrative Code.
- 9- 7. Policy Guidelines for Managing Carryover Storage Supplies and Revisions to the Stored Water Fund Policy.  
Adopt the recommended Stored Water Fund Policy.



- 9- 8. Adopt Annual Statement of Investment Policy, as amended, and continue to delegate authority to the Treasurer to invest Water Authority funds for calendar year 2017.  
Adopt the Annual Statement of Investment Policy, as amended, and continue to delegate authority to the Treasurer to invest Water Authority funds for calendar year 2017.

**ENGINEERING AND OPERATIONS COMMITTEE**

- 9- 9. Grant of Easement to San Diego Gas & Electric Company across San Diego County Water Authority fee owned property.  
Authorize the General Manager to grant a permanent easement to San Diego Gas & Electric Company across San Diego County Water Authority fee owned property at San Vicente Reservoir, for the appraised fair market value.

**IMPORTED WATER COMMITTEE**

- 9-10. Amend agreement for Consulting Services with M Strategic Communications.  
Amend the agreement with M Strategic Communications for continued consulting services to the Water Authority through June 30, 2018 by \$270,000, for a period of 18 additional months, and increasing total contract funding to an amount not to exceed \$776,000.

**LEGISLATION, CONSERVATION AND OUTREACH COMMITTEE**

- 9-11. Extension of Water Conservation Garden Operating Agreement.  
Approve a six-month extension of the current Operation Agreement between the Water Conservation Garden Authority and the Friends of the Water Conservation Garden (IRS 501(c)(3)) for the continued operation and maintenance of the Water Conservation Garden through June 30, 2017.
- 9-12. Proposed 2017 Legislative Policy Guidelines.  
Adopt the proposed 2017 Legislative Policy Guidelines.
- 9-13. Water Authority Sponsorship of Legislation in the 2017 State Legislative Session.  
Sponsor Legislative Proposal #1 to advance robust state funding opportunities to address outstanding state settlement obligations, including Salton Sea restoration and implementation of the Quantification Settlement Agreement.



Date: December 7, 2016  
To: San Diego County Water Authority Board Members  
From: Ken Carpi, Washington Representative  
Subject: Federal Legislative Update

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### **114<sup>th</sup> Congress Nearing Final Adjournment**

Congress is attempting to finish its work and adjourn on December 9. The one must-pass bill is the Continuing Resolution (CR) that will keep most federal programs funded through April 28, 2017 at levels that match funding levels provided in the FY2016 Omnibus Appropriations Act. This includes level funding for the Title XVI and WaterSMART programs and \$100 million in drought assistance, some of which will also be used to boost funding for Title XVI and WaterSMART.

The CR contains an added \$170 million to help communities affected by contaminated drinking water, with most of these funds destined for Flint, Michigan. This funding includes grants for infrastructure improvements, lead poisoning prevention care for mothers and children, and a lead exposure registry. Within this total, the CR also provides \$20 million to capitalize the WIFIA water financing program administered by EPA. This funding will allow EPA to begin making loans from the program in the coming calendar year. The inclusion of funding for Flint in the CR could hurt efforts to pass a water bill (see below) that would also provide assistance to Flint.

### **Water Bill Becomes Last Major Battle of 2016**

Congressional negotiators reached a final deal on a Water Resources Development Act (WRDA) reauthorization. Final passage of the bill has been complicated by the addition of a drought deal worked out between Senator Dianne Feinstein and House Republicans led by Majority Leader Kevin McCarthy. Senator Barbara Boxer opposes the drought provisions and says she will work to block the entire WRDA bill unless the provisions are removed. Given the desire of congressional leaders to adjourn on December 9, any delays in voting on WRDA pose a real threat that the bill will be pulled from the schedule.

The WRDA bill is not normally considered “must pass” legislation, but this year it is also carrying an authorization for funding to assist Flint, Michigan. This would help

congressional leaders honor their promise to address Flint this year. However, as the CR will carry funds that can also help Flint, WRDA supporters are concerned that the urgency to pass the bill this year is diminishing.

*Salton Sea.* The final WRDA agreement includes a provision that would allow the U.S. Army Corps of Engineers to work with non-federal partners in addition to the Salton Sea Authority. The provision also makes permanent the current pilot program that allowed the Corps to do this work.

*Drought Provisions in WRDA.* Of interest for the Water Authority, the drought deal being included in WRDA authorizes \$50 million for a new, competitive Title XVI water recycling and reuse grant program to supplement the current program; increases the WaterSMART authorization to \$100 million; and reauthorizes the Federal Water Desalination Act to support research and development in desal technology and methods.

The bill would also authorize \$335 million to support development of surface water storage projects in California, that could include projects at Shasta, Sites, Los Vaqueros, Temperance Flat, and San Luis.

The most controversial provisions of the deal that are drawing the Boxer filibuster threat involve management of water through the Delta. The deal directs the Bureau of Reclamation, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to pump water at -5000 cfs, the maximum level allowed in the Delta smelt and salmonid biological opinions. While this is within current law and regulation, it removes much of the current regulatory discretion to pump at lower volumes.

The deal would allow pumping rates to exceed the -5000 cfs rate during storm events. The bill language would restrict this additional pumping if species are adversely affected, but the environmental community is skeptical that the next Administration will carefully safeguard endangered and threatened species under the terms of this agreement. The deal also eliminates the current “payback” practice where pumping is reduced after a storm event.

The WRDA provisions also direct the Departments of the Interior and Commerce to use new science, real-time monitoring, and other updated information to maximize water supplies in the Delta through improved operational or management actions. The agreement would require that the Delta Cross Channel Gates remain open more than they are at present to allow more flexible management of fresh water in the Delta. Water transfers would also be allowed through the Delta from April 1 through November 30, a lengthened season that is also intended to improve management of the Delta.

Among other provisions, the agreement also authorizes assistance to improve management of invasive species in the Delta and develop additional hatcheries and conservation techniques to rebuild listed species.

## **Senate Confirmation Battles Ahead**

Democrats have pledged to vigorously oppose many of President-elect Trump's policies. One way for them to do so is by blocking, or at least delaying, many of his appointments that require Senate confirmation. When they were last in the majority, Democrats changed the Senate's rules to allow confirmation of Cabinet-level officials by a simple majority vote. Republicans have indicated they will use this rule to approve Trump's nominees.

More contentious battles are expected for judicial appointees and sub-Cabinet level officials, those who handle most of the critical policy functions within a department or agency. Trump has promised to send up soon after his inauguration a name to fill the current vacancy on the Supreme Court. The nomination is sure to spark a fierce partisan debate (note: Senator Dianne Feinstein will be the senior Democrat on the Judiciary Committee). Previously, when the rules were changed on confirming Cabinet appointees, the then-Democrat Senate majority also considered the "nuclear option" of allowing Supreme Court nominees to be approved by a simple majority vote. While the idea was dropped, some Republicans have hinted they may consider such a change if Democrats refuse to consider a Trump nominee for the Court.

## **Fate of Obama Initiatives**

President Obama has relied heavily on Executive Orders, agency rulemaking, memorandum, and "guidance" letters to implement his policy goals. President-elect Trump has vowed to overturn most of Obama's 258 Executive Orders issued up to Election Day and the scores of additional policy directives issued by or on behalf of President Obama.

Agency rulemaking is not undone as easily, but over the next several months many current rules will certainly be subject to withdrawal, revision, or with guidance to reinterpret these rules. A Trump-led Department of Justice will also oversee defending many of the rules he opposes in federal courts. A decision the new president will need to make is how many rules he would prefer to be overturned in court rather than through executive action.

## **Early Presidential Cabinet and Senior Staff Appointments**

<b>Position</b>	<b>Appointment/Nominee</b>
<b>Chief of Staff</b>	Reince Priebus
<b>Chief Strategist</b>	Steve Bannon
<b>Attorney General</b>	Sen. Jeff Sessions (R-AL)*
<b>Commerce</b>	Wilbur Ross*
Deputy Secretary	Todd Ricketts*
<b>Defense</b>	Gen. James Mattis (ret.)*
<b>National Security Advisor</b>	Lt. Gen. Mike Flynn (ret.)
Deputy Nat'l Security Advisor	K.T. McFarland
<b>CIA Director</b>	Rep. Mike Pompeo (R-KS)*

<b>Education</b>	Betsy DeVos*
<b>HHS</b>	Rep. Tom Price (R-GA; Chairman, Budget)*
<b>Housing &amp; Urban Development</b>	Dr. Ben Carson*
<b>Transportation</b>	Elaine Chao*
<b>Treasury</b>	Steven Mnuchin*
<b>UN Ambassador</b>	Gov. Nikki Haley (R-SC)*

*\*Nominee requiring Senate confirmation*

## Expected Committee Leadership Positions

### House

Committee	Chair	Ranking
<b>Appropriations</b>	<b>Rodney Frelinghuysen* (NJ)</b>	<b>Nita Lowey (NY)</b>
<i>Defense</i>	<i>Harold Rogers* (KY)</i>	<i>Peter Visclosky (IN)</i>
<i>Energy &amp; Water</i>	<i>Mike Simpson (ID)</i>	<i>Marcy Kaptur (OH)</i>
<i>Homeland Security</i>	<i>John Carter (TX)</i>	<i>Lucille Roybal-Allard (CA)</i>
<i>Interior-EPA</i>	<i>Ken Calvert (CA)</i>	<i>Betty McCollum (MN)</i>
<i>Labor-HHS</i>	<i>Tom Cole (OK)</i>	<i>Rosa DeLauro (CT)</i>
<i>Transportation &amp; HUD</i>	<i>Mario Diaz-Balart (FL)</i>	<i>David Price (NC)</i>
<b>Agriculture</b>	<b>Michael Conaway (TX)</b>	<b>Collin Peterson (MN)</b>
<b>Armed Services</b>	<b>Mac Thornberry (TX)</b>	<b>Adam Smith (WA)</b>
<b>Budget</b>	<b>Tom Price (GA)***/Todd Rokita (IN)* / Mario Diaz-Balart (FL)* / Tom McClintock (CA)*</b>	<b>John Yarmuth (KY)* / Bill Pascrell (NJ)*</b>
<b>Education and Workforce</b>	<b>Virginia Foxx (NC)</b>	<b>Robert "Bobby" Scott (VA)</b>
<b>Energy &amp; Commerce</b>	<b>Greg Walden (OR)</b>	<b>Frank Pallone (NJ)</b>
<b>Financial Services</b>	<b>Jeb Hensarling (TX)</b>	<b>Maxine Waters (CA)</b>
<b>Homeland Security</b>	<b>Michael McCaul (TX)</b>	<b>Bennie Thompson (MS)</b>
<b>Judiciary</b>	<b>Robert Goodlatte (VA)</b>	<b>John Conyers (MI)</b>
<b>Natural Resources</b>	<b>Rob Bishop (UT)</b>	<b>Raül Grijalva</b>
<b>Oversight &amp; Gov't Reform</b>	<b>Jason Chaffetz (UT)</b>	<b>Elijah Cummings (MD)</b>
<b>Transportation &amp; Infrastructure</b>	<b>Bill Shuster (PA)</b>	<b>Peter DeFazio (OR)</b>
<b>Veterans</b>	<b>Phil Roe (TN)</b>	<b>Mark Takano (CA) / Tim Walz (MN)</b>
<b>Ways &amp; Means</b>	<b>Kevin Brady (TX)</b>	<b>Richard Deal (MA)*</b>

(\* denotes change; \*\* denotes individuals nominated to serve in the Trump Administration)

### Senate

Committee	Republican	Democrat
<b>Appropriations</b>	<b>Thad Cochran (MS)</b>	<b>Patrick Leahy (VT)*</b>
<i>Defense</i>	<i>Thad Cochran (MS)?</i>	<i>Richard Durbin (IL)</i>
<i>Energy &amp; Water</i>	<i>Lamar Alexander (TN)</i>	<i>Dianne Feinstein (CA)</i>
<i>Homeland Security</i>	<i>John Hoeven (ND)</i>	<i>Jeanne Shaheen (NH)</i>
<i>Interior-EPA</i>	<i>Lisa Murkowski (AK)</i>	<i>Tom Udall (NM)</i>

<i>Labor-HHS Transportation &amp; HUD</i>	<i>Roy Blunt (MO) Susan Collins (ME)</i>	<i>Patty Murray (WA) Jack Reed (RI)</i>
<b>Agriculture</b>	<b>Pat Roberts (KS)</b>	<b>Debbie Stabenow (MI)</b>
<b>Armed Services</b>	<b>John McCain (AZ)</b>	<b>Jack Reed (RI)</b>
<b>Banking, Housing, and Urban Affairs</b>	<b>Richard Shelby (AL)</b>	<b>Sherrod Brown (OH)</b>
<b>Budget</b>	<b>Michael Enzi (WY)</b>	<b>Bernie Sanders (VT)</b>
<b>Commerce, Science and Transportation</b>	<b>John Thune (SD)</b>	<b>Bill Nelson (FL)</b>
<b>Energy &amp; Natural Resources</b>	<b>Lisa Murkowski (AK)</b>	<b>Maria Cantwell (WA)</b>
<b>Environment &amp; Public Works</b>	<b>John Barrasso (WY)*/Shelly Moore Capito (WV)*</b>	<b>Tom Carper (DE)*</b>
<b>Finance</b>	<b>Orrin Hatch (UT)/</b>	<b>Ron Wyden (OR)</b>
<b>Health, Education, Labor &amp; Pensions</b>	<b>Lamar Alexander (TN)</b>	<b>Patty Murray (WA)/Bernie Sanders (VT)*/Bob Casey (PA)*</b>
<b>Homeland Security &amp; Governmental Affairs</b>	<b>Ron Johnson (WI)</b>	<b>Claire McCaskill (MO)*</b>
<b>Intelligence</b>	<b>Richard Burr (NC)</b>	<b>Mark Warner (VA)*</b>
<b>Judiciary</b>	<b>Charles Grassley (IA)</b>	<b>Dianne Feinstein (CA)*</b>

(\* denotes change)

### **Major Legislation Expected in 2017**

- *Affordable Care Act Repeal* – Senate Majority Leader Mitch McConnell and House Speaker Paul Ryan have announced that one of the first items of business in 2017 will be to vote on repealing the Affordable Care Act (“Obamacare”). The effort to repeal all or most of the bill and reform or replace other elements of the law may come through a variety of legislative vehicles, including through the budget reconciliation process. Reconciliation only requires 51 votes in the Senate to pass, eliminating the opportunity for filibuster. A second reconciliation bill may also be used to achieve other entitlement or tax laws.
- *Congressional Review Act (CRA)* – The CRA gives Congress the opportunity to vote to repeal certain federal agency rules. Specifically, Congress may be able to vote on rules promulgated since May 2016. President-elect Trump has vowed to overturn many rules enacted by the Obama Administration and some are being adjudicated in federal courts. The CRA represents another tool congressional Republicans may use to undue elements of President Obama’s legacy.

A bill recently passed by the House, and expected to be reintroduced in the new Congress, would allow Congress to review all regulatory actions in the last year of a presidential term, apply retroactively to 2016, and bundle multiple rules into a single bill for repeal. Per the current CRA, a simple majority in each chamber is required, removing the filibuster option for Senate Democrats.

- *Infrastructure* – Improving infrastructure is on the “First 100 Day” agenda for President-elect Trump, but it will take coordination among the Departments of Transportation, the Treasury, Office of Management & Budget, and senior White House staff with new party and committee leaders in Congress to develop. The details of a plan have not yet emerged, but they may build upon Trump’s earlier calls to invest \$1 trillion in the nation’s infrastructure. It should be noted that he has called for “investing” new funds, not “spending \$1 trillion.” The yet-to-be-released plan is expected to rely heavily on tax credits and public-private partnerships, but some new spending is also expected.
- *Debt Ceiling* – Current borrowing authority may expire around March 1, 2017 although Treasury is expected to be able to utilize financing tools to extend borrowing into April 2017.
- *Comprehensive Tax Reform*: The President-elect’s campaign platform relied heavily on major changes in the nation’s tax code. Tax reform is the foremost priority of Speaker Paul Ryan and incoming Senate Minority Leader Chuck Schumer has indicated he is willing to make deals on a tax package.
- *Federal Aviation Administration Reauthorization*: Congress extended the current authority to collect aviation-related taxes and to spend funds from the Aviation Trust Fund through September 30, 2017. A renewed authorization effort is expected to get under way around March. Trump has indicated support for privatizing the air traffic control system, a key element of this year’s failed House bill, but it still faces strong opposition in the Senate.
- *Farm Bill* – While a final bill is not expected until 2018, drafting is likely to begin during the coming year.
- *Temporary Assistance for Needy Families (TANF) and Children’s Health Insurance Program (CHIP)* – expires in 2017 and reauthorization bills are expected during the year.
- *National Flood Insurance Program* – expires September 30, 2017. Reauthorization could offer Republicans an opportunity to change direction from President Obama on climate resiliency, sea level rise, etc.

**Three Comment Letters Received (attached)**

**Formal Board Agenda Item 10-C**

- 10-C Public Hearing to consider adoption of a Resolution of Necessity and authorization of condemnation proceedings to acquire temporary property interests for the Pipeline 3 Relining Lake Murray to Sweetwater Reservoir project.

November 29, 2016

To:

Melinda Cogle  
Clerk of The Board  
SDC Water Authority  
4677 Overland Ave.  
San Diego CA 92123

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CLERK OF THE BOARD

Dear Clerk of the Board:

Please regard this as a written request to appear and be heard before the Water Authority hearing on December 8, 2016 at 3:00 p.m.

Thank you.

Eileen Burnett  
3969 Carmel Brooks  
San Diego CA ~~92119~~ 92130  
858-461-1535

Eileen Burnett

G. SCOTT WILLIAMS  
swilliams@scmv.com  
(619) 685-3151  
(619) 702-6842 FAX

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CLERK OF THE BOARD

November 30, 2016

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SANDRA JOAN MORRIS \*\*  
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JOHN J. FORRY  
J. KEVIN MANN

Clerk of the Board  
San Diego County Water Authority  
4677 Overland Drive  
San Diego, California 92123-1233

DELIVERED VIA EMAIL AND  
OVERNIGHT MAIL

Re: Sprouts - SDCWA  
Pipeline 3 Lake Murray to Sweetwater Reservoir Project  
4630 Palm Avenue, La Mesa CA  
COMMENT LETTER AND REQUEST TO APPEAR AND BE HEARD  
(December 8, 2016 hearing)

To whom it may concern:

This firm represents Henry's Holdings, LLC ("Sprouts") which leases and operates the Sprouts Farmers Market store located at 4630 Palm Avenue, La Mesa CA and the parking lot immediately in front of the entrance to the store (the "Property") under a written lease with Pacific Resources Associates, LLC ("Lessor").

Sprouts hereby notifies you that it wishes to appear and be heard at the December 8, 2016 hearing to consider the adoption of a Resolution of Necessity and to authorize condemnation proceedings to acquire property interests for the Pipeline 3 project and at any further hearings in which the matter may be considered.

As currently proposed by the SDCWA, the Project would impose significant costs and operational harm on Sprouts and its customers as a result of the loss of adequate parking and the barriers to access at the Property.

- The proposed easement purports to authorize SDCWA to fence and substantially affect the available parking and to create barriers to access for Sprouts employees and customers for nine months. The loss of parking and barriers to access would impose significant harm on Sprouts and its customers during the period of the temporary taking, and could continue to cause long-lasting damage to Sprouts' business for long after the taking ceases.

CERTIFIED SPECIALIST  
\* Estate Planning, Trust & Probate Law \*\* Family Law  
\*\*\* Legal Malpractice Law \*\*\*\* Taxation Law  
THE STATE BAR OF CALIFORNIA BOARD  
OF LEGAL SPECIALIZATION

November 30, 2016

Page 2

- It is neither reasonable nor economically feasible for SDCWA to expect Sprouts to operate its store with no parking at the entrance in front of the building.
- Sprouts is one of very few grocers serving its community, and the impact on the community for lack of access to its fresh, natural and organic foods and products could be substantial.
- There are available alternatives that should be considered. Less than 2000 feet south of the Property along Spring Street, there is a huge parking lot which could be used for the Project while retaining sufficient parking for the Spring Street Station Trolley. Less than 3000 feet south of the Property at Spring and Palm there is a large vacant lot which is large enough to serve the SDCWA's need.

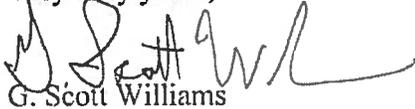
As a result, the impacts to Sprouts are such that the Project is not planned or located in the manner that will be the **most** compatible with the greatest public good and the **least** private injury; and the Property is **not** necessary for the project.

In addition, we do not believe the public interest and necessity require the proposed project.

Finally, we do not believe that the SDCWA has made any offer to Sprouts to compensate it for its loss should its interests in the property be taken, nor do we believe the facts demonstrate the requisite requirements for a resolution of necessity under Government Code section 7267.2(a).

We respectfully request that the Board direct staff to investigate and report on alternate locations for SDCWA to store its pipes and equipment during construction.

Very truly yours,



G. Scott Williams

Seltzer Caplan McMahon Vitek  
A Law Corporation



Pacific Realty Associates, L.P.

15350 S.W. Sequoia Pkwy., Suite 300  
Portland, Oregon 97224  
503/624-6300 • Facsimile: 503/624-7755

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November 29, 2016

CLERK OF THE BOARD

**BY FEDEX – (585) 522- 6600**

Clerk of the Board  
San Diego County Water Authority  
4677 Overland Avenue  
San Diego, CA 92123

Dear Sir or Madam:

Re: Facility No. 1pda5261  
4650 Palm Avenue, La Mesa, California (the "Property")

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**Notice of Public Meeting: Hearing to consider adoption of resolution of necessity and authorization of condemnation proceedings to acquire property interests for pipeline 3 Lake Murray to Sweetwater Reservoir ("Hearing")**

Pursuant to the provisions of the enclosed letter dated November 15, 2016, this is to advise you that Pacific Resources Associates LLC wishes to be heard at the Hearing scheduled for December 8, 2016.

Please contact me at (503) 624-6300 if you have any questions regarding this request.

Very truly yours,

PACIFIC RESOURCES ASSOCIATES LLC

Scott D. Hodson  
*Vice President*

cc: Kirsten J. Day, Perkins Coie  
Nick von Gymnich, San Diego County Water Authority