

# CRESCENTA VALLEY WATER DISTRICT

2700 Foothill Boulevard  
La Crescenta, California

Agenda for the  
Special Meeting of the Board of Directors  
of the Crescenta Valley Water District  
to be held on Tuesday, April 7, 2020 at 7:00 p.m.

Posted: April 2, 2020 at 3:00 p.m.

## TELECONFERENCING NOTICE

[This meeting will be held by teleconference only.]

Pursuant to the provisions of Executive Order N-29-20 issued by Governor Gavin Newsom on March 18, 2020, the public may not attend the meeting in person.

Any member of the public may participate using a touchtone phone. You may select any of the following phone numbers (there are more than one for increased reliability during this time of increased phone traffic)

(669) 900-6833

(346) 248-7799

(929) 205-6099

(253) 215-8782

(301) 715-8592

(312) 626-6799

Then, enter Access Code: 292 125 633

Those members of the public who are able to and would like to additionally participate through computer may access the Zoom teleconferencing tool available at the following link – <https://zoom.us/j/292125633>.

Public comment may be made either by emailing comments that will be read aloud during the meeting or over the phone during the Public Comments period in the teleconferenced meeting. Emailed comments may be sent to Christy Colby, Regulatory and Public Affairs Manager, at (818) 248-3925 or [customerservice@cvwd.com](mailto:customerservice@cvwd.com) by 3pm on April 7, 2020.

Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by contacting the District by phone or in writing at the above email address. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

Any written materials distributed to the Board in connection with this agenda will be made available at the same time for public inspection on the District's website at [www.cvwd.com](http://www.cvwd.com) by 3pm on April 2, 2020.

### **Call to Order and Determination of Quorum**

### **Pledge of Allegiance**

### **Adoption of Agenda**

### **Public Comments**

At this time, the public shall have an opportunity to comment on any non-agenda item relevant to the subject matter jurisdiction of the Board. This opportunity is non-transferable, and speakers are limited to one three-minute (3) comment.

### **Action Calendar**

The public shall have an opportunity to comment on any action item as each item is considered by the Board prior to action being taken. This opportunity is non-transferable, and speakers are limited to one two-minute (2) comment.

1. **Authorization for the General Manager to Take All Actions Necessary in Response to the COVID-19 Pandemic** – Consideration and motion to adopt Resolution No. 758 to authorize the General Manager to take all actions necessary in response to the COVID-19 pandemic.
2. **Consideration of Claim for Damages Filed by Property Owner at 4809 Pennsylvania Ave.** – Discussion and consideration of claim for damages filed by Mr. Anthony Mulkern, property owner at 4809 Pennsylvania Ave.
3. **Proposition 218 Notice** – Discussion and review of a draft of the Proposition 218 Notice to customers for proposed Water and Wastewater rate increases.

### **Board Members' Request for Future Agenda Items**

### **Closed Session**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Carlos Alvarez v. Crescenta Valley Water District, Los Angeles Superior Court, Case No. 18STCV04335

### **Adjournment**

# CRESCENTA VALLEY WATER DISTRICT

## BOARD OF DIRECTORS - STAFF REPORT

Action Item No. 1  
April 7, 2020

**To:** Honorable President and Members of the Board of Directors  
**From:** Nem Ochoa – General Manager  
**Subject:** **Authorization for the General Manager in Response to the COVID-19 Pandemic**  
**ACTION ITEM**

Consideration and motion to adopt Resolution No. 758 to authorize the General Manager to take all actions necessary in response to the COVID-19 pandemic.

### **BACKGROUND**

Section 1102 of the Public Contract Code and Section 21060.3 of the Public Resources Code defines “emergency” as a “sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of impairment of life, health, property, or essential public services.” SARS-CoV-2 virus, which causes the disease named “coronavirus disease 2019” and is abbreviated “COVID-19” has been declared a pandemic, and it is an emergency of unprecedented scale.

Federal, State, and local governments and regulatory agencies such as California Department of Public Health (CDPH), the California Division of Occupational Safety and Health (CalOSHA), and the Centers for Disease Control and Prevention (CDC) have issued orders and guidance ranging from work-from-home programs to protocols for conducting teleconference meetings.

These pronouncements are continually evolving, while the District balances protecting its customers and staff while delivering an essential service. It is in the best interest of the District and the public it serves for the District to be able to react nimbly during such time. The proposed resolution authorizes the General Manager to take all actions necessary to most appropriately protect the District and its ability to serve customers during the COVID-19 pandemic.

### **RECOMMENDATION**

It is staff’s recommendation that the Board adopt Resolution No. 758 to authorize the General Manager to take all actions necessary in response to the COVID-19 pandemic.

Prepared by:



James Lee  
Director of Finance & Administration

Submitted by:



Nem Ochoa  
General Manager

Attachment(s):

1. Resolution No.758

# **RESOLUTION NO. 758**

## **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CRESCENTA VALLEY WATER DISTRICT AUTHORIZING THE GENERAL MANAGER TO TAKE ALL ACTIONS NECESSARY IN RESPONSE TO THE COVID-19 PANDEMIC**

**WHEREAS**, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of the SARS-CoV-2 virus, which causes the disease named “coronavirus disease 2019” (abbreviated “COVID-19”); and,

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) characterized COVID-19 as a pandemic; and,

**WHEREAS**, on March 11, 2020, the California Department of Public Health (CDPH) issued an updated policy relating to the postponement or cancellation of large and small gatherings across the state of California to protect public health and slow the rate of transmission of COVID-19; and,

**WHEREAS**, on March 12, 2020, the Governor of California issued Executive Order N-25-20 enhancing state and local government’s ability to respond to the COVID-19 pandemic; and,

**WHEREAS**, it is imperative that the District prepare for and implement measures to respond to the potential spread of COVID-19; and,

**WHEREAS**, it is imperative that the General Manager have the tools to ensure the health and safety of staff, families, and the public at District facilities and to ensure operations continue if business and meetings need to be conducted from alternate locations or within virtual meeting environments; and,

**WHEREAS**, it is imperative that District employees be allowed to take a leave of absence due to being quarantined or staying home after recently returning from Level 3 countries or sick from COVID-19 or illnesses with similar symptoms (e.g., cough, fever, shortness of breath); and,

**WHEREAS**, the protection of the health and safety and preservation of the lives and property of the peoples of the State from the effects of natural emergencies such as COVID-19 which may result in conditions of disaster or in extreme peril to life, property, and resources is of paramount State importance requiring the responsible efforts of public and private agencies and individual citizens, and all public employees are required to serve as disaster service workers providing such disaster services as may be assigned to them by their superiors or by law under Government Code Section 3100; and,

**WHEREAS**, Section 1102 of the Public Contract Code and Section 21060.3 of the Public Resources Code defines “emergency” as a “sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of impairment of life, health, property, or essential public services,” and California Environmental Quality Act (CEQA) Guidelines 14 CCR Section 15269(c) provides that emergency projects are exempt from the requirements of CEQA,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Crescenta Valley Water District authorizes the General Manager, in the General Manager's discretion, to take all actions necessary in response to the COVID-19 pandemic, including but not limited to the following:

1. The General Manager is authorized to take any and all actions as necessary in the General Manager's discretion to ensure the health and safety of staff, families, and the public at District facilities and to ensure operations continue if business and meetings need to be conducted from alternate locations or within virtual meeting environments, including but not limited to, the following as it relates to COVID-19: implementing policies and procedures in compliance with directives and Executive Orders issued by the United States President, the Governor of California, the California Department of Public Health (CDPH), the California Division of Occupational Safety and Health (CalOSHA), and the Centers for Disease Control and Prevention (CDC); implementing provisions of leaves of absence to employees with or without pay due to quarantine, or recently returning from Level 3 countries, or sick from COVID-19 or illnesses with similar symptoms (cough, fever, shortness of breath), or having co-habitants who are sick from COVID-19 or exhibiting those symptoms, or when necessary to care for dependent children under age 18; directing staff to serve as disaster service workers pursuant to Government Code Section 3100; and making alterations, repairs or improvements to District property and/or facilities
2. The General Manager is authorized to establish a COVID-19 Emergency Response Plan.
3. The General Manager is authorized to establish a temporary work from home program for certain staff
4. The General Manager is authorized to develop protocols to conduct teleconference or videoconference meetings
5. The General Manager is authorized to take all actions necessary to maintain the District's water and wastewater service activities.
6. The General Manager shall provide periodic status updates to the District's Board of Directors.

This emergency authorization expires December 31, 2020.

**PASSED, APPROVED AND ADOPTED** at a Special Meeting of the Board of Directors of Crescenta Valley Water District held on April 7, 2020. Resolution No. 758 was adopted by the following vote:

**AYES:**

**NOES:**

**ATTEST:**

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**President, Board of Directors  
Crescenta Valley Water District**

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**Secretary of the Board of Directors**

STATE OF CALIFORNIA       )  
                                          )  
COUNTY OF LOS ANGELES   )       ss.

**I, James K. Lee, Secretary to the Board of the Crescenta Valley Water District, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 758 of the Board of Directors of Crescenta Valley Water District adopted at a Special Meeting held on April 7, 2020, and that the same has not been amended or repealed.**

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**Secretary of the Board of Directors**

**Crescenta Valley Water District**

**DATED: April 7, 2020**

**(S E A L)**

# CRESCENTA VALLEY WATER DISTRICT

## BOARD OF DIRECTORS - STAFF REPORT

Action Item No. 2  
April 7, 2020

**To:** Honorable President and Members of the Board of Directors  
**From:** Nem Ochoa – General Manager  
**Subject:** **Claim for Damages at 4809 Pennsylvania Ave.**

### **ACTION ITEM**

Rejection of a claim for damage filed by Anthony Mulkern of 4809 Pennsylvania Ave.

### **BACKGROUND**

The District received a claim for damages that was greater than \$5,000, and it was sent directly to ACWA/JPIA to handle per Section 19.05 of the District's Rules and Regulations (copy enclosed). Mr. Bunn recommended that this claim be brought to the Board to take a formal action to reject the claim, thus starting the statute of limitations for the claimant to file a lawsuit. ACWA/JPIA also recommended this course of action.

The claim is Mr. Anthony Mulkern, the property owner of 4809 Pennsylvania Ave., which is on the western side of the street and in the City of Glendale's service area. He claims that the re-pavement and compaction work on August 26, 2019 associated with the main break on the same street on August 4, 2019 caused severe shaking which broke his sewer line. The resultant damages claimed are - \$14,648 for repairing the sewer line and \$6,300 in losses to his wife's home-based business during the repairs – totaling \$20,948. A claim identical in nature was also submitted to and rejected by the City of Glendale (copy enclosed).

### **RECOMMENDATION**

It is staff's recommendation that the Board reject the claim for damages received by Anthony Mulkern and direct staff to submit this claim to ACWA/JPIA for resolution.

Prepared by:



James Lee  
Director of Finance & Administration

Submitted by:



Nem Ochoa  
General Manager

Attachment(s):

1. Claim form
2. City of Glendale letter of denial
3. CVWD Rules & Regulations Article 19

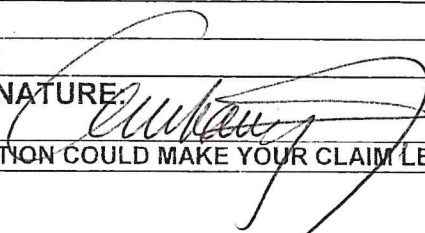
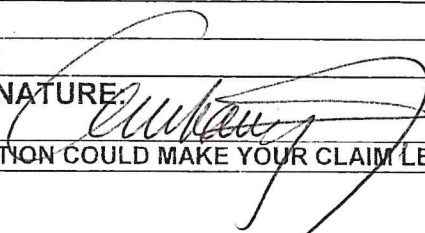
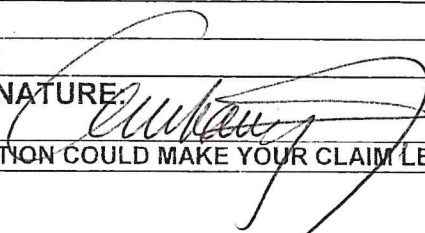
## CRESCENTA VALLEY WATER DISTRICT CLAIM FORM

To Be Presented By The Claimant Or By A Person Acting On His Behalf

|                                                                |                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b>                                                       | <b>Name, mailing address, and phone number of claimant.</b><br>Name: <u>ANTHONY J. MULKERN</u><br>Address: <u>4809 PENNSYLVANIA AVE</u><br>Phone Number(s): <u>818 249 0147 / 818 416 2903</u><br>Social Security Number: <u>456-14-2050</u><br>Date of Birth: <u>7/27/44</u><br>E-Mail: <u>AJMULKERN@SRCGLOBAL.NET</u><br>CVWD Account No. (If applicable):                            |
| <b>2</b>                                                       | <b>Name, address, and phone number of any witnesses.</b><br>Name: <u>SEE ATTACHED SHEET WITH</u><br>Address: <u>INFORMATION ON TWO WITNESSES</u><br>Phone Number(s):                                                                                                                                                                                                                    |
| <b>3</b>                                                       | <b>List the date, time, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.</b><br>Date: <u>9/26/19</u> Time: <u>9am-5pm</u> Place: <u>4809 PENNSYLVANIA AVE</u><br>Tell What Happened (give complete information): <u>GLENDALE CA 91214</u><br><br><u>FOR DESCRIPTION OF WHAT HAPPENED,</u><br><u>SEE ATTACHED SHEET / ADDENDUM</u> |
| Note: Attach any photographs you may have regarding this claim |                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>4</b>                                                       | <b>Give a general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.</b><br><br><u>SEE ADDENDUM AND</u><br><u>COPY OF ARS INVOICE</u>                                                                                                                                                    |
| <b>5</b>                                                       | <b>Give the name or names of the District employee or employees causing the injury, loss, or damage, if known.</b><br><br><u>ROAD REPAIR CREW CONTRACTED</u><br><u>BY CVWD.</u>                                                                                                                                                                                                         |



**CRESCENTA VALLEY WATER DISTRICT  
CLAIM FORM**

|                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                      |              |                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------|------------------------------------------------------------------------------------------------------|
| <b>8</b>                                                                                                                                                                                                                                                                                                                           | <p>If the actual amount of your claim is less than \$10,000, as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars \$10,000, no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.</p> |                                                                                                      |              |                                                                                                      |
|                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                      |              |                                                                                                      |
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|                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                      |              |                                                                                                      |
| <table style="width: 100%; border: none;"><tr><td style="width: 30%; border: none;"><b>Date:</b> 1/31/2020</td><td style="width: 20%; border: none;"><b>TIME:</b></td><td style="width: 50%; border: none;"><b>SIGNATURE:</b> </td></tr></table> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Date:</b> 1/31/2020                                                                               | <b>TIME:</b> | <b>SIGNATURE:</b>  |
| <b>Date:</b> 1/31/2020                                                                                                                                                                                                                                                                                                             | <b>TIME:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>SIGNATURE:</b>  |              |                                                                                                      |
| <b>ANSWER ALL QUESTIONS. OMITTING INFORMATION COULD MAKE YOUR CLAIM LEGALLY INSUFFICIENT.</b>                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                      |              |                                                                                                      |

**CLAIM FORM DESCRIPTION OF WHAT HAPPENED: (#3 on CVWD Claim Form)**

**Question #2: Name, address, and phone numbers of any witnesses.**

Witnesses who were in our house and experienced the extreme shaking during road repairs:

Ethel Huhn—626 330 5065; Address: 1320 Upton Place, Eagle Rock, CA 90041

Janice Cowart—818 242 6248; Address: 744 Fay Drive, Glendale, CA 91206

**Question #3: List the date, time, place and other circumstances of the occurrence or transaction which give rise to the claim asserted.**

On August 4, 2019 a water main on our block broke, causing severe damage to the road pavement of Pennsylvania Avenue in North Glendale between El Caminito Street and Pontiac Street. Additionally, a large trench was made in the street to allow for repair of the water main. After the repair of the water main, road pavement repair occurred between August 24 and August 26.

During the repair work on August 26, severe shaking of our house was caused by machinery used in the repaving, presumably some kind of compacting machine. A visitor to our house during the shaking described the experience as similar to being in an earth quake. That evening our toilets began to back up and became unusable. Attempts to remove any blockage through use of a toilet plunger resulted in the backup of sewage into our shower stall and guest bathroom bathtub. A call was placed to ARS Rescue Rooter late that evening

ARS Rescue Rooter arrived the next day at our house. Their photo inspection showed that the sewer line from our house to the main line was not clogged, as we had thought and hoped. Rather, it was broken and would need to be repaired and replaced, in a job that took over two days of work. The line broke on the last day of the paving due to your work that included the strong compacting and vibrations. Prior to the paving worked that caused the severe vibrations, there was no issue at all with the functioning of our toilets or of any other plumbing fixtures in our home.

On October 7 and 8, additional paving was done which restricted parking and precluded elderly clients of my wife, Stella Chan Mulkern, from coming to our home for acupuncture treatment. The lost business is detailed under question #4.

**Question #4 Give a general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.**

The cost of the repairs was \$14, 648, as the attached/enclosed invoice shows. Additionally, my wife runs her acupuncture business from our home. Road repair and our sewage line repair made parking and access to our home very difficult for infirm patients, between August 4 and August 26.



ADDENDUM TO CLAIM FORM

Loss to Stella Chan Mulkern's acupuncture business, due to appointment hours cancelled, was as follows:

|                  |                              |            |
|------------------|------------------------------|------------|
| August 8-24:     | loss of 30 hours @ \$150/hr. | \$4,500.00 |
| October 7 and 8: | loss of 12 hours @ \$150/hr. | \$1,800.00 |
|                  | TOTAL LOST BUSINESS          | \$6,300.00 |

*Anthony Mulkern*  
*Jan 31, 2020*





☐ SPEEDI ROOTER  
License # 800846

Making it work. Making it right.  
License # 791820, 765155

NOTICE OF CANCELLATION SHALL BE SENT TO ADDRESS LISTED BELOW

12507 San Fernando Road  
Sylmar, CA 91342

Vinc Ortiz  
Corporate Customer Relations  
(866) 803-0879  
www.ARS.com

HOME IMPROVEMENT CONTRACT  
INVOICE:  
8104-306075  
Q# 37548

PLUMBING • DRAIN • SEWER

|                             |                       |       |                |
|-----------------------------|-----------------------|-------|----------------|
| NAME                        | Anthony Mulkens       | PH #  | (818) 249-0147 |
| ADD                         | 4809 Pennsylvania Ave | PH #  | -              |
| C/ST/ZIP                    | La Crescent, CA 91214 | EMAIL | -              |
| DIAGNOSIS / RECOMMENDATIONS |                       |       |                |

MAKE MODEL SERIAL # APPROX AGE

A. George looked under the house. need to  
B. Call ESR

DAMAGE? ☐ NO ☒ YES-See separate "Report". Tech initials A.B.

WATER PRESSURE Before 60 After 60

Free Whole Home Plumbing Inspection Yes No

ORIGINAL SERVICE REQUEST

logged main drain

DIAG/RECOM

Cost to call the main drain  
show 40 across at the back. 195.00 88.00

See Recommendations Addendum Option #

Customer acknowledges and agrees that ARS/Rescue Rooter provides fixed pricing, not time and materials pricing. Cust. Initial

Approx Start Date 8/25/19

Approx Completion Date 9/14/19

Continuation of work listed above shall constitute substantial commencement.

The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a "Notice of the Three-Day Right to Cancel."

Without waiving my right to cancel, I authorize the performance of the work, subject to all terms and conditions set forth on the reverse side hereof, plus any taxes upon completion. Written customer authorization will be obtained before beginning any unforeseen, additional or extended work.

Signature Date 8/28/19

Registered Sales Person

You, the homeowner (buyer) or tenant have the right to require the contractor to furnish you with a performance and payment bond.

|                 |           |
|-----------------|-----------|
| ADDITIONAL WORK | 14,648.00 |
| Cust. Initial   |           |

INVOICE

|          |                |
|----------|----------------|
| BILL TO  | DATE 8/28/19   |
| BILL ADD | CALL # 2511683 |
| C/ST/ZIP | TECH # 1/12    |

| CODE # | Description of the Project and Description of the Significant Materials To Be Used and Equipment To Be Installed | STP/HSP PRICE |
|--------|------------------------------------------------------------------------------------------------------------------|---------------|
|--------|------------------------------------------------------------------------------------------------------------------|---------------|

3DR100 replace all exposed horizontal  
2" & 3" cast iron drain pipes  
under 1st floor w/ 2" & 3" inch  
ABS plastic pipes, dig out clean out  
access by the front door (ratio  
and install 3" line system up stream  
inside cabinet under wallway and  
kitchen (de-sold get cabinet before  
living). 15,448.00 - 800.00 = 14,648.00

WARRANTY ITEM(S) PARTS: LABOR:

10 Years (PARTS) (LABOR) on work done.

PAYMENT METHOD

☐ CASH ☐ CHECK # PO #

☐ VISA ☐ M/C ☐ DISC ☐ AMEX ☐ OTHER

CC LAST 4# EXP AUTH #

Please contact me about future offers.

My signature below acknowledges that the work has been completed and I agree to the sum total of the charges and payment method.

Print Name: Anthony J. Mulkens

Signature Effective Date 9/13/19

Registered Sales Person VINCE ORTIZ Reg# 9167532

The Attached Payment Schedule Shall Apply To This Contract. (CA Notice 2)

CONTRACT PRICE 14,648.00





CITY OF GLENDALE, CALIFORNIA  
Office of the City Attorney

613 E. Broadway, Suite 220  
Glendale, CA 91206-4308  
Tel. (818) 548-2080 Fax (818) 547-3402  
glendaleca.gov

March 16, 2020

Mr. Anthony J. Mulkern  
4809 Pennsylvania Avenue  
Glendale, CA 91214

**Re: Letter of Denial of Claim for Damages filed against the City of Glendale**  
**Our File No.: 20-0212**

Dear Mr. Mulkern:

This letter is to inform you that the claim which was received by the City of Glendale on February 5, 2020, has been referred to the Crescenta Valley Water District, 2700 Foothill Blvd., La Crescenta-Montrose, CA 91214 because the damage occurred as a result of a Crescenta Valley Water District, not City of Glendale, project. Please direct all future inquiries regarding your claim to the above-referenced organization.

With regard to the disposition of your claim with the City of Glendale, the claim is hereby denied.

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. (See Section 945.6 of the Government Code).

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,

*MICHAEL J. GARCIA, CITY ATTORNEY*

By: *Ann M. Maurer*  
Ann M. Maurer  
Chief Assistant City Attorney

AMM:ske

c: Brook Yared, P.E. (via email)

## Attachment 3

### ARTICLE 19: POLICY REGARDING CLAIMS

#### 19.01 GENERAL

From time to time people present claims against the District under the Government Tort Claims Act. Many of these claims are for property damage and the District's insurance carrier allows the District the option of settling or denying certain covered claims not involving bodily injury. Therefore, the Board has adopted the following categories and guidelines in the handling of said claims against the District.

#### 19.02 REVIEW OF CLAIMS

The General Manager or District's Attorney shall review all claims for sufficiency and timeliness. The General Manager or the Attorney is authorized to return insufficient or late claims.

#### 19.03 CLAIMS OF \$1,000 OR LESS

The General Manager is authorized to perform the functions of the Board with respect to claims of \$1,000 or less and not involving bodily injury. These functions include but are not limited to, ruling on the sufficiency, reasonableness, or timeliness of claims; returning insufficient or late claims; allowing, compromising, or settling claims; and presenting claims to the District's insurance carrier. On the written order of the General Manager, the District shall pay the amount for which these claims have been allowed, compromised, or settled.

#### 19.04 CLAIMS GREATER THAN \$1,000 BUT NOT MORE THAN \$5000

All legally sufficient claims against the District not involving bodily injury in amounts greater than \$1,000 but not more than \$5000 shall be presented to the Board at a Board Meeting. The Board may perform such functions with respect to these claims set forth under Article 19.03 above. The District shall pay the amount for which these claims have been allowed, compromised, or settled.

#### 19.05 CLAIMS GREATER THAN \$5,000 OR INVOLVING BODILY INJURY

The District shall immediately refer all claims greater than \$5,000 or those involving bodily injury directly to its insurance carrier. However, after such consultation with the District's insurance carrier as may be appropriate in the particular case, the General Manager or District's Attorney may review the claim and the Board may consider or act on the claim, if to do so would be in the best interests of the District.

#### 19.06 CLAIM FORM

A Standard District Claim Form, as revised from time to time and approved by the Board is included in Appendix C herein.

# CRESCENTA VALLEY WATER DISTRICT

## BOARD OF DIRECTORS - STAFF REPORT

Action Item No. 3  
April 7, 2020

**To:** Honorable President and Members of the Board of Directors  
**From:** Nem Ochoa – General Manager  
**Subject:** **Proposition 218 Notification for Proposed Rates and Charges**

### **ACTION ITEM**

Consideration and motion to approve the Proposition 218 Notice for Water Rates and Charges.

### **BACKGROUND**

CVWD is required to notify all its customers about proposed changes in the water and wastewater rates and charges and allow customers an opportunity to protest the proposed rate increases as outlined in the provisions of Proposition 218.

The language and format of the notice is substantially in the same form as last year's notice except for certain additions such as provisions for teleconferencing, the availability of a bill calculator on the District website, and additional categories of cost savings during the year.

Enclosed for discussion and consideration for approval are two notices. One has a 7% rate increase for the water and wastewater enterprises, and the second one has a 6.5% rate increase for both enterprises. The tier structure is the same as the current structure, in accordance with the last rate study. The notice sent will establish the maximum allowable increases that the Board can adopt. It is being presented now in order to initiate the 45-day noticing window, in the case that potential rate increases are to be implemented by July 1 of this year. There will be multiple opportunities leading up to and following the Public Hearing to determine the actual rate increase, if one is to be implemented.

### **RECOMMENDATION**

Staff recommends that the Board review the Proposition 218 Notice and consider it for approval.

Prepared by:



James Lee  
Director of Finance & Administration

Submitted by:



Nem Ochoa  
General Manager

Attachment(s):

1. Notice A: 6.5%
2. Notice B: 7%

## Notice A



### **PUBLIC NOTICE OF PROPOSED INCREASE IN WATER AND WASTEWATER RATES AND CHARGES**

**Public Hearing to be held on Tuesday, June 9, 2020, at 6:00 p.m.**

*Depending on further developments related to COVID-19, pursuant to the provisions of Executive Order N-29-20 and subject to further notice, the hearing will be held either at the District's main office at 2700 Foothill Blvd., La Crescenta, CA 91214 or through teleconference. The Board of Directors will meet on June 23, 2020 at 7:00 p.m. to consider the proposed rate changes, either in person or through teleconference.*

*Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by contacting Christy Colby by phone or in writing to the District at (818) 248-3925 or customerservice@cvwd.com. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.*

Crescenta Valley Water District is considering an increase in its current rates and charges for water and wastewater service. The increase is needed to cover rising maintenance costs and to replace aging infrastructure. By keeping rates and charges in line with expenses, the District is able to remain financially stable, which allows us to adequately maintain facilities and continue providing reliable service.

Staff will likely present information to the Board of Directors on using bond financing to provide funding for future Capital Improvement Projects. This would be an agenized item at a future meeting of the CVWD Board of Directors.

#### **DID YOU KNOW?**

**As a public agency, the District cannot earn a profit from the services it provides and must charge no more than the actual costs associated with providing services to its customers.**

#### **WATER BILL IMPACT (IF APPROVED)**

If new rates are approved, a water bill for a typical residence with a 3/4-inch water meter using 17 units of water (17,000 gallons) during a two-month billing period would increase by \$10.63, from \$162.78 to \$173.41.

#### **WASTEWATER BILL IMPACT (IF APPROVED)**

If new rates are approved, a wastewater bill for a typical residence with a 3/4-inch meter using 17 units of water (17,000 gallons) during a two-month winter billing period would increase by \$5.32, from \$80.60 to \$85.92.

**Effective Date:** If approved, the increased rates will become effective on all rates and charges on any bill generated after July 1, 2020.

**TO ESTIMATE YOUR PROPOSED NEW WATER BILL GO TO [WWW.CVWD.COM](http://WWW.CVWD.COM)**

#### **WHAT IS CVWD DOING TO HELP KEEP COSTS AS LOW AS POSSIBLE?**

The District is committed to efficient operations and continuously evaluates every opportunity to reduce expenses. CVWD has reduced operational expenses by reducing the number of full-time employees, cross-training personnel to limit staffing levels, renegotiating long-term contracts, reducing benefits costs, and deferring maintenance and replacement of the District's aging facilities for multiple years.

**The District has been using reserve funds for the past 9 years  
to mitigate the impact of rate increases to customers**



## **WHY IS THERE A NEED FOR RATE INCREASES?**

Here are the main reasons that CVWD will be adjusting the rates and charges:

**Local water supply** –A lower yield of our groundwater supplies have required CVWD to buy more expensive supplemental water from Metropolitan Water District which imports water from Northern California and the Colorado River.

**Infrastructure maintenance and improvements** –Aging pipes, reservoirs, pumps, wells and other District assets that are 80 years or older need replacement to avoid critical system failures. Capital improvements enhance water system reliability, improve water quality, and will reduce higher construction costs into the future.

**Essential services** – The Operations Department monitors water treatment, water demand, power costs, replaces meters, and makes emergency repairs. Customer Service addresses all customer needs, including service requests and analyzing usage to determine if a customer has a leak.

**Wastewater services** – The wastewater system's primary expense is the cost paid to the City of Los Angeles for treating the wastewater that is collected in the District's service area and sent to Los Angeles' treatment plant. Other major cost drivers include the maintenance of the wastewater collection system and the sewer interceptor line that transports all of CVWD's wastewater to the City of Los Angeles treatment plant in Glendale, California.

## **PROPOSED WATER RATE CHANGES**

### **Water Meter Rates and Charges**

Meter charges ensure that water is available for use at your tap whenever you need it, much like phone, cable, power or other utilities. Also known as fixed charges, they help pay for costs associated with operating and maintaining CVWD's water treatment and delivery system, and they are based on meter size.

| <b><u>Meter Charges<br/>(per bi-monthly<br/>period) by size</u></b> | <b><u>Current<br/>Rate</u></b> | <b><u>Proposed Rate<br/>Effective<br/>7/1/2020</u></b> |
|---------------------------------------------------------------------|--------------------------------|--------------------------------------------------------|
| 3/4"                                                                | \$54.10                        | \$57.62                                                |
| 1"                                                                  | \$80.69                        | \$85.93                                                |
| 1 1/2"                                                              | \$147.19                       | \$156.76                                               |
| 2"                                                                  | \$227.01                       | \$241.77                                               |
| 3"                                                                  | \$479.92                       | \$511.11                                               |
| 4"                                                                  | \$852.17                       | \$907.56                                               |

### **Fire Protection Charges**

Fire protection charges are for private fire services and provide readiness for fire protection. They typically do not apply to residential customers.

| <b><u>Fire Protection<br/>Charges<br/>(per bi-monthly<br/>period) by size</u></b> | <b><u>Current<br/>Rate</u></b> | <b><u>Proposed Rate<br/>Effective<br/>7/1/2020</u></b> |
|-----------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------|
| 1"                                                                                | \$15.85                        | \$16.88                                                |
| 2"                                                                                | \$24.46                        | \$26.05                                                |
| 3"                                                                                | \$44.05                        | \$46.91                                                |
| 4"                                                                                | \$77.83                        | \$82.89                                                |
| 6"                                                                                | \$199.05                       | \$211.99                                               |
| 8"                                                                                | \$408.15                       | \$434.68                                               |
| 10"                                                                               | \$722.67                       | \$769.64                                               |

### **Usage Rates and Charges**

Usage rates cover costs that vary based on the amount of water delivered. The most significant costs are purchasing imported water, pumping local groundwater, treating the water supply, and maintaining the water system. These rates are separated into three tiers for single-family residential customers and are based on bi-monthly usage (1 unit=1,000 gallons). The rates are uniform for multi-family, commercial and schools based on bi-monthly usage. The rates are separated into two tiers for irrigation customers based on bi-monthly usage.

| <b><u>Irrigation</u></b>    | <b><u>Current Rate<br/>(Per Unit)</u></b> | <b><u>Proposed Rate<br/>Effective 7/1/2020</u></b> |
|-----------------------------|-------------------------------------------|----------------------------------------------------|
| Tier 1 (1 to 80) units      | \$5.66                                    | \$6.03                                             |
| Tier 2 (81 units and above) | \$10.89                                   | \$11.60                                            |

## PROPOSED WATER RATE CHANGE CONTINUED

| <b><u>Single-Family Residence</u></b> | <b>Current Rate<br/>(Per Unit)</b> | <b>Proposed Rate<br/>Effective 7/1/2020</b> |
|---------------------------------------|------------------------------------|---------------------------------------------|
| Tier 1 (1 to 10 units)                | \$5.17                             | \$5.51                                      |
| Tier 2 (11 to 26 units)               | \$8.14                             | \$8.67                                      |
| Tier 3 (27 units and above)           | \$12.29                            | \$13.09                                     |

| <b><u>Multi-Family , Commercial / Schools</u></b> | <b>Current Rate<br/>(Per Unit)</b> | <b>Proposed Rate<br/>Effective<br/>7/1/2020</b> |
|---------------------------------------------------|------------------------------------|-------------------------------------------------|
| Base Rate (all units of water)                    | \$7.33                             | \$7.81                                          |

Service addresses located within the Glendale annex area pay a \$0.40 tax per 2-month bill,  
collected by CVWD and paid to the City of Glendale

## PROPOSED WASTEWATER SERVICE CHANGES

### **SEWER: HOW IS MY WASTEWATER BILL DETERMINED?**

The amount of wastewater put into the District's collection system is estimated based on the prior year's winter water usage, when water is used less. This usage — up to a two-month maximum of 20 units (20,000 gallons) for a single-family residence — is used to determine the bill for the next 12 months.

| <b><u>Single-Family Residence (per bi-monthly period)</u></b>                                                                                                                                | <b>Current Rate</b> | <b>Proposed Rate<br/>Effective 7/1/2020</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------|
| Service Charge                                                                                                                                                                               | \$47.79             | \$50.90                                     |
| <b>Usage Rate</b> - maximum of 20 units based on prior year average winter water use. (New Single Family Residence accounts are assessed 8 units until winter water use can be established.) | \$1.93 (Per Unit)   | \$2.06 (Per Unit)                           |

| <b><u>Multi-Family Residence (per bi-monthly period)</u></b>                          | <b>Current Rate</b> | <b>Proposed Rate<br/>Effective 7/1/2020</b> |
|---------------------------------------------------------------------------------------|---------------------|---------------------------------------------|
| Service Charge per Equivalent Dwelling Unit (EDU)                                     | \$31.25             | \$33.28                                     |
| Usage Rate - maximum of 15 units per EDU based on prior year average winter water use | \$2.15 (Per Unit)   | \$2.29 (Per Unit)                           |

| <b><u>Commercial / Institutional (per bi-monthly period)</u></b> | <b>Current Rate</b> | <b>Proposed Rate<br/>Effective 7/1/2020</b> |
|------------------------------------------------------------------|---------------------|---------------------------------------------|
| Usage Rate per 1,000 gallons                                     | \$5.10 (Per Unit)   | \$5.43 (Per Unit)                           |
| Minimum Charge                                                   | \$31.25             | \$33.28                                     |

| <b><u>All Schools (per bi-monthly period)</u></b><br>ADA (Average Daily Attendance) | <b>Current Rate</b> | <b>Proposed Rate<br/>Effective 7/1/2020</b> |
|-------------------------------------------------------------------------------------|---------------------|---------------------------------------------|
| Elementary School – Usage Rate per 100 ADA                                          | \$84.86             | \$90.38                                     |
| Middle School – Usage Rate per 100 ADA                                              | \$169.73            | \$180.76                                    |
| High School – Usage Rate per 100 ADA                                                | \$254.59            | \$271.14                                    |
| High School – Customer Charge                                                       | \$31.25             | \$33.28                                     |

## **PROTEST LETTERS:**

Any CVWD customer or property owner within the CVWD water or wastewater service area may file a written protest of the proposed rate changes by sending a letter to: CVWD's main office, 2700 Foothill Boulevard, La Crescenta, CA 91214. A valid protest letter must include your name, a CVWD service address, a statement of protest, and an original signature. For your convenience, there is a protest form available at [www.cvwd.com](http://www.cvwd.com). Electronic submittals of signed protest letters may be scanned and emailed to the District at [customerservice@cvwd.com](mailto:customerservice@cvwd.com). All protests must be received at the address above no later than **June 9th at 6:00 p.m.** Protest letters received prior to June 5, 2020 at noon will be included in the agenda package distributed to the Board of Directors and posted online at [www.cvwd.com](http://www.cvwd.com).

## **When will the CVWD Board of Directors consider adoption of new rates and charges?**

The Public Hearing will be held on Tuesday, June 9, 2020, at 6:00 p.m. Depending on further developments related to COVID-19, and subject to further notice, the hearing will be held either at the District's main office or through teleconference. The District will post this information for the Public Hearing on the website, but you may call the District at 818-248-3925 to obtain the information. The Board of Directors will meet on June 23, 2020 at 7:00 p.m. to consider the proposed rate changes, either in person or through teleconference. The Board may adopt, reject, or modify the proposed rate structure. The Board cannot legally increase water rates and charges more than indicated in this notice.

## **Questions?**

This notice is also available on the CVWD website, [www.cvwd.com](http://www.cvwd.com), or at the CVWD main office. CVWD staff can assist in answering any questions about your bill between 8:00 a.m. and 4:30 p.m., Monday through Friday. If you have questions or need additional information, please call CVWD at (818) 248-3925 or e-mail [customerservice@cvwd.com](mailto:customerservice@cvwd.com).

Crescenta Valley Water District  
2700 Foothill Blvd.  
La Crescenta, CA 91214

**IMPORTANT PROPOSED RATE  
INFORMATION ENCLOSED**

Crescenta Valley Water District  
2700 Foothill Blvd.  
La Crescenta, CA 91214

## Notice B



### **PUBLIC NOTICE OF PROPOSED INCREASE IN WATER AND WASTEWATER RATES AND CHARGES**

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#### **WATER BILL IMPACT (IF APPROVED)**

If new rates are approved, a water bill for a typical residence with a 3/4-inch water meter using 17 units of water (17,000 gallons) during a two-month billing period would increase by \$11.38, from \$162.78 to \$174.16.

#### **WASTEWATER BILL IMPACT (IF APPROVED)**

If new rates are approved, a wastewater bill for a typical residence with a 3/4-inch meter using 17 units of water (17,000 gallons) during a two-month winter billing period would increase by \$5.73, from \$80.60 to \$86.33.

**Effective Date:** If approved, the increased rates will become effective on all rates and charges on any bill generated after July 1, 2020.

**TO ESTIMATE YOUR PROPOSED NEW WATER BILL GO TO [WWW.CVWD.COM](http://WWW.CVWD.COM)**

#### **WHAT IS CVWD DOING TO HELP KEEP COSTS AS LOW AS POSSIBLE?**

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## **PROPOSED WATER RATE CHANGES**

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Meter charges ensure that water is available for use at your tap whenever you need it, much like phone, cable, power or other utilities. Also known as fixed charges, they help pay for costs associated with operating and maintaining CVWD's water treatment and delivery system, and they are based on meter size.

| <b><u>Meter Charges<br/>(per bi-monthly<br/>period) by size</u></b> | <b><u>Current<br/>Rate</u></b> | <b><u>Proposed Rate<br/>Effective<br/>7/1/2020</u></b> |
|---------------------------------------------------------------------|--------------------------------|--------------------------------------------------------|
| 3/4"                                                                | \$54.10                        | \$57.89                                                |
| 1"                                                                  | \$80.69                        | \$86.34                                                |
| 1 1/2"                                                              | \$147.19                       | \$157.49                                               |
| 2"                                                                  | \$227.01                       | \$242.90                                               |
| 3"                                                                  | \$479.92                       | \$513.51                                               |
| 4"                                                                  | \$852.17                       | \$911.82                                               |

### **Fire Protection Charges**

Fire protection charges are for private fire services and provide readiness for fire protection. They typically do not apply to residential customers.

| <b><u>Fire Protection<br/>Charges<br/>(per bi-monthly<br/>period) by size</u></b> | <b><u>Current<br/>Rate</u></b> | <b><u>Proposed Rate<br/>Effective<br/>7/1/2020</u></b> |
|-----------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------|
| 1"                                                                                | \$15.85                        | \$16.96                                                |
| 2"                                                                                | \$24.46                        | \$26.17                                                |
| 3"                                                                                | \$44.05                        | \$47.13                                                |
| 4"                                                                                | \$77.83                        | \$83.28                                                |
| 6"                                                                                | \$199.05                       | \$212.98                                               |
| 8"                                                                                | \$408.15                       | \$436.72                                               |
| 10"                                                                               | \$722.67                       | \$773.26                                               |

### **Usage Rates and Charges**

Usage rates cover costs that vary based on the amount of water delivered. The most significant costs are purchasing imported water, pumping local groundwater, treating the water supply, and maintaining the water system. These rates are separated into three tiers for single-family residential customers and are based on bi-monthly usage (1 unit=1,000 gallons). The rates are uniform for multi-family, commercial and schools based on bi-monthly usage. The rates are separated into two tiers for irrigation customers based on bi-monthly usage.

| <b><u>Irrigation</u></b>    | <b><u>Current Rate<br/>(Per Unit)</u></b> | <b><u>Proposed Rate<br/>Effective 7/1/2020</u></b> |
|-----------------------------|-------------------------------------------|----------------------------------------------------|
| Tier 1 (1 to 80) units      | \$5.66                                    | \$6.06                                             |
| Tier 2 (81 units and above) | \$10.89                                   | \$11.65                                            |



## PROPOSED WATER RATE CHANGE CONTINUED

| <u>Single-Family Residence</u> | <b>Current Rate</b><br>(Per Unit) | <b>Proposed Rate</b><br><b>Effective 7/1/2020</b> |
|--------------------------------|-----------------------------------|---------------------------------------------------|
| Tier 1 (1 to 10 units)         | \$5.17                            | \$5.53                                            |
| Tier 2 (11 to 26 units)        | \$8.14                            | \$8.71                                            |
| Tier 3 (27 units and above)    | \$12.29                           | \$13.15                                           |

| <u>Multi-Family , Commercial / Schools</u> | <b>Current Rate</b><br>(Per Unit) | <b>Proposed Rate</b><br><b>Effective 7/1/2020</b> |
|--------------------------------------------|-----------------------------------|---------------------------------------------------|
| Base Rate (all units of water)             | \$7.33                            | \$7.84                                            |

Service addresses located within the Glendale annex area pay a \$0.40 tax per 2-month bill, collected by CVWD and paid to the City of Glendale

## PROPOSED WASTEWATER SERVICE CHANGES

### **SEWER: HOW IS MY WASTEWATER BILL DETERMINED?**

The amount of wastewater put into the District's collection system is estimated based on the prior year's winter water usage, when water is used less. This usage — up to a two-month maximum of 20 units (20,000 gallons) for a single-family residence — is used to determine the bill for the next 12 months.

| <u>Single-Family Residence (per bi-monthly period)</u>                                                                                                                                       | <b>Current Rate</b> | <b>Proposed Rate</b><br><b>Effective 7/1/2020</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------|
| Service Charge                                                                                                                                                                               | \$47.79             | \$51.14                                           |
| <b>Usage Rate</b> - maximum of 20 units based on prior year average winter water use. (New Single Family Residence accounts are assessed 8 units until winter water use can be established.) | \$1.93 (Per Unit)   | \$2.07 (Per Unit)                                 |

| <u>Multi-Family Residence (per bi-monthly period)</u>                                 | <b>Current Rate</b> | <b>Proposed Rate</b><br><b>Effective 7/1/2020</b> |
|---------------------------------------------------------------------------------------|---------------------|---------------------------------------------------|
| Service Charge per Equivalent Dwelling Unit (EDU)                                     | \$31.25             | \$33.44                                           |
| Usage Rate - maximum of 15 units per EDU based on prior year average winter water use | \$2.15 (Per Unit)   | \$2.30 (Per Unit)                                 |

| <u>Commercial / Institutional (per bi-monthly period)</u> | <b>Current Rate</b> | <b>Proposed Rate</b><br><b>Effective 7/1/2020</b> |
|-----------------------------------------------------------|---------------------|---------------------------------------------------|
| Usage Rate per 1,000 gallons                              | \$5.10 (Per Unit)   | \$5.46 (Per Unit)                                 |
| Minimum Charge                                            | \$31.25             | \$33.44                                           |

| <u>All Schools (per bi-monthly period)</u><br>ADA (Average Daily Attendance) | <b>Current Rate</b> | <b>Proposed Rate</b><br><b>Effective 7/1/2020</b> |
|------------------------------------------------------------------------------|---------------------|---------------------------------------------------|
| Elementary School – Usage Rate per 100 ADA                                   | \$84.86             | \$90.80                                           |
| Middle School – Usage Rate per 100 ADA                                       | \$169.73            | \$181.61                                          |
| High School – Usage Rate per 100 ADA                                         | \$254.59            | \$272.41                                          |
| High School – Customer Charge                                                | \$31.25             | \$33.44                                           |

## **PROTEST LETTERS:**

Any CVWD customer or property owner within the CVWD water or wastewater service area may file a written protest of the proposed rate changes by sending a letter to: CVWD's main office, 2700 Foothill Boulevard, La Crescenta, CA 91214. A valid protest letter must include your name, a CVWD service address, a statement of protest, and an original signature. For your convenience, there is a protest form available at [www.cvwd.com](http://www.cvwd.com). Electronic submittals of signed protest letters may be scanned and emailed to the District at [customerservice@cvwd.com](mailto:customerservice@cvwd.com). All protests must be received at the address above no later than **June 9th at 6:00 p.m.** Protest letters received prior to June 5, 2020 at noon will be included in the agenda package distributed to the Board of Directors and posted online at [www.cvwd.com](http://www.cvwd.com).

## **When will the CVWD Board of Directors consider adoption of new rates and charges?**

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## **Questions?**

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**IMPORTANT PROPOSED RATE  
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