



**Southeast
Water Coalition**

A joint powers authority to protect the Central Groundwater Basin

AGENDA
SOUTHEAST WATER COALITION
REGULAR MEETING OF THE ADMINISTRATIVE ENTITY
THURSDAY, NOVEMBER 21, 2024, 12:00 p.m.

Norwalk Arts & Sports Complex
Hargitt Room
13000 Clarkdale Avenue
Norwalk, CA 90650

1. ROLL CALL

2. PUBLIC COMMENTS

3. CONSENT CALENDAR

a. SEWC ADMINISTRATIVE ENTITY MINUTES OF SEPTEMBER 19, 2024 REGULAR MEETING

Recommendation: Approve minutes as submitted.

4. DISCUSSION/ACTION REGARDING FY 2023-24 AUDIT SERVICES

Glen Kau, AE Chair, City of Norwalk

Recommendation: Review audit services solicitation process and make recommendation to the Governing Board.

5. DISCUSSION/ACTION REGARDING WHITTIER NARROWS OPERABLE UNIT (WNOU)

Glen Kau, AE Chair, City of Norwalk

Recommendation: Conduct virtual meeting with Department of Toxic Substances Control (DTSC) and solicit questions/comments from AE members in preparation for the December Board Meeting presentation.

6. DISCUSSION/ACTION REGARDING SEWC FOLLOW-UP LETTER TO THE DIVISION OF DRINKING WATER (DDW) – HOLLYWOOD DISTRICT

Glen Kau, AE Chair, City of Norwalk

Recommendation: Discuss possible follow-up letter to Division of Drinking Water to address regulatory authority for water quality oversight and enforcement.

7. LEGISLATIVE UPDATE ON BILLS RELEVANT TO SEWC

Glen Kau, AE Chair, City of Norwalk

Recommendation: None

8. WRITTEN COMMUNICATIONS

9. ADMINISTRATIVE ENTITY MEMBER COMMENTS

On November 15, 2024, the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours and Special meeting agendas may be amended up to 24 hours in advance of the meeting.

Disability-related services are available to enable persons with a disability to participate in this meeting, consistent with the Federal Americans with Disabilities Act of 1990. Please contact the City of Norwalk Public Services Department at least 24 hours in advance of the meeting at (562) 929-5511.

The next meeting of the Southeast Water Coalition Administrative Entity will be on Thursday, January 16, 2024, 12:00 p.m., at Norwalk Arts & Sports Complex, Hargitt Room, 13000 Clarkdale Avenue, Norwalk, CA 90650.



**Southeast
Water Coalition**

A joint powers authority to protect the Central Groundwater Basin

**MINUTES OF THE SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
REGULAR MEETING OF THE ADMINISTRATIVE ENTITY**

**THURSDAY, SEPTEMBER 19, 2024
12:00 NOON**

The Regular Meeting of the Southeast Water Coalition Joint Powers Authority Administrative Entity was held in-person at the Norwalk Arts & Sports Complex, Hargitt Room, 13000 Clarkdale Avenue, Norwalk, CA 90650. The meeting was called to order at 12:02 p.m. by AE Chair Glen Kau. At the time the meeting was called to order, a quorum of members was present.

Ms. Madeline Anderson took attendance, and the following Administrative Entity members were present:

ITEM 1 - ROLL CALL

Jose Arroyo-Gutierrez	City of Cerritos
Andrew Caraveo	City of Commerce
Dan Mueller	City of Downey
Derek Nguyen	City of Lakewood
Glen Kau, AE Chair	City of Norwalk
Michelle Müller	City of Paramount
Sarina Morales-Choate	City of Santa Fe Springs
Chris Castillo	City of South Gate
Joanna Moreno	City of Vernon
Ray Cordero	City of Whittier

STAFF AND GUESTS ON SIGN-IN SHEET:

Madeline Anderson	SEWC Staff
Patrick McCue	City of Cerritos

ITEM 2 – PUBLIC COMMENT

None.

ITEM 3 - CONSENT CALENDAR

Mr. Cordero moved to approve the consent calendar.

The motion was seconded by Mr. Caraveo and was approved by the following voice vote:

AYES: **Arroyo-Gutierrez, Caraveo, Mueller, Nguyen, Kau, Müller, Morales-Choate, Castillo, Moreno, Cordero**

NOES: **None.**

ABSTAIN: **None.**

ITEM 4 - FY 2023-24 AUDIT UPDATE

Mr. Kau began the conversation by reiterating the need for sourcing auditors and receiving various proposals to analyze and decide on. Mr. Nguyen proposed an idea of asking for contract proposals that include multiple years or options to extend.

The consensus of the conversation was that Mr. Kau would email all the AE Members and ask them to confirm which firm they use as an auditor. Then Mr. Kau will reach out to various firms and request a proposal.

Mr. Nguyen made a motion to follow up with the AE to confirm who their auditors are via email and then have Mr. Kau reach out to auditors accordingly.

The motion was seconded by Mr. Mueller and was approved by the following voice vote:

AYES: **Arroyo-Gutierrez, Caraveo, Mueller, Nguyen, Kau, Müller, Morales-Choate, Castillo, Moreno, Cordero**

NOES: **None.**

ABSTAIN: **None.**

ITEM 5 – DISCUSSION/ACTION REGARDING WHITTIER NARROWS OPERABLE UNIT (WNOU)

Mr. Kau started the discussion by addressing the original letter to the Department of Toxic Substances Control (DTSC) and the response from DTSC. He then requested an update on the WNOU. Mr. Nguyen summarized the letter and

mentioned he'd prefer a presentation from the DTSC on the subject to get an update and understand where they are at.

Mr. Cordero noted that if the DSTC representative is not available to present at the October Board meeting, then the invitation should be extended to the December Board meeting to ensure accountability.

It was noted that the DTSC provides a quarterly report, which is something that members would like to inquire more about during the presentation.

Additionally, Mr. Nguyen noted that this is coming from the SEWC members as a whole, rather than one city.

Mr. Nguyen made a motion for the AE Chair (Mr. Kau) to reach out to the DTSC for a presentation at the October Board meeting and if they cannot make that meeting, to request that they attend and present at the December Board meeting.

The motion was seconded by Mr. Mueller and was approved by the following voice vote:

AYES: **Arroyo-Gutierrez, Caraveo, Mueller, Nguyen, Kau, Müller, Morales-Choate, Castillo, Moreno, Cordero**

NOES: **None.**

ABSTAIN: **None.**

ITEM 6 – LEGISLATIVE UPDATE ON BILLS RELEVANT TO SEWC

Mr. Kau updated the AE on the two relevant bills, AB 1827 and SB 1188, which at the time had been passed in both houses and presented to the Governor. He noted that AB 1827 outlines requirements for how local agencies can levy assessments and property-related fees, including public notice and approval by property owners or voters and that SB 1188 directs the State Board to set technical, managerial and financial standards for community water systems serving fewer than 10,000 people or 3,300 service connections and nontransient, noncommunity water systems that serve K-12 schools.

Mr. Cordero noted that SB 1188 will affect districts differently based on their classification, which may not be applicable to most SEWC cities. He also brought up that this October, the Direct Potable Reuse regulations go into effect. He emphasized that for any city using recycled water or entertaining the thought, it is important to look into.

Mr. Nguyen noted that implementation of bills looks different than a bill simply being passed. Additionally, he noted that it would be beneficial for SEWC to have reoccurring items on the Board agenda every 6 months, including a Water

Conservation Update and a Water Regulatory Update. He emphasized that it would be helpful to have a guest speaker come in and discuss what the Governor is about to sign.

Mr. Kau then brought up issues with some of the mandatory regulations and the maintenance aspects of stormwater management, including issues with algae. He also noted that a lot of legislation regarding droughts allows for associated bills to come forth. Mr. Kau also noted that fiscal impact is not apparent on bills and it would be very helpful to understand the cost or savings of each bill.

Mr. Nguyen brought up the County Water Plan, which ensures there is water resiliency and accountability for water supply. He noted that the Plan doesn't mention local infrastructure. He stressed the importance of ensuring the individual cities have what they need to carry out the larger plans in order to maximize the success of the Plan.

ITEM 10 – WRITTEN COMMUNICATIONS

None.

ITEM 11 - ADMINISTRATIVE ENTITY MEMBER COMMENTS

Ms. Moreno shared that a company, Asterra, has approached both Whittier and Vernon about satellite technology that can detect leaks. It was originally designed to locate water on Mars. Vernon is considering the offer, and Ms. Moreno wanted to bring it up, as there may be a better deal if multiple agencies collaborate.

Mr. Cordero reviewed case studies and mentioned that, because these are satellite images, the technology can cover entire areas, encompassing more than one district. He noted that working together with a few cities could likely reduce costs significantly.

In comparison, Mr. Nguyen recently signed a contract with Fluid Conservation Systems, which uses lower-tech acoustic devices placed on valves. These devices detect leaks by measuring sound, triangulating the location of leaks based on the noise generated by increased water flow. This system operates through a cellular network, notifying users in real-time. Mr. Cordero pointed out that while these acoustic devices offer localized detection, satellite technology provides a broader, more comprehensive view of an entire area.

If anyone is interested, Ms. Moreno noted that Asterra is willing to share more details so that a decision can be made.

The meeting concluded with Ms. Anderson noting that once the DTSC presentation date is locked in, SEWC could invite representatives from the Water Replenishment District (WRD) as well. Ms. Anderson then asked for any future Board Meeting Agenda Items and the following were suggested:

Board Meeting Potential Agenda Items

- WNOU Update and/or Presentation
- Audit Update
- Report the results of the CBMWD election
- Report WRD Budget advisory election results
- Direct Potable Reuse Update

ITEM 12 - ADJOURNMENT

The meeting adjourned at 1:04 p.m.

The next regular Southeast Water Coalition Administrative Entity Meeting will be held on November 21, 2024 at 12:00 p.m. at the Norwalk Arts & Sports Complex, Hargitt Room, 13000 Clarkdale Avenue, Norwalk, CA 90650.

Chair

Date



**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: November 21, 2024
To: Southeast Water Coalition Administrative Entity
From: Glen Kau, AE Chair, City of Norwalk

Subject: DISCUSSION/ACTION REGARDING FY 2023-24 AUDIT SERVICES UPDATE

Recommendation: Review audit services solicitation process and make recommendation to the Governing Board.

Discussion:

Earlier this year, the previous lead agency (Vernon) received a proposal from the Pun Group LLC which had conducted the preceding year's annual audit for SEWC. In an effort to retain the most cost-effective and independent auditing firm for SEWC, the AE requested that the AE Chair, Glen Kau seek quotations from multiple firms. Following the September AE Meeting, Glen Kau, prepared and posted a Request for Quotation "RFQ" for the FY 2023-24 Audit of SEWC through PlanetBids. The AE Chair also reached out to various auditors, requesting them to submit a quotation.

SEWC received one quotation via the solicitation process: Price Paige & Company. The summary of pricing is as follows:

Fiscal Year Ending	Firm	No. of Hours	Cost
June 30, 2024	Price Paige & Company	50	\$8,280
Fiscal Year 2024/25 SEWC Budget:			\$7,000

The purpose of this discussion is to review and discuss the quotation and come to a conclusion on whether to recommend Price Paige & Company or discuss other options that can be presented to the Board at the December Board Meeting.

Attachments:

1. Posted FY 2023-24 Audit RFQ
2. Bid Document Download Report for Auditing Services
3. Price Page & Company FY 2023-24 Audit Quotation

Goods/Services Requested

On behalf of the Southeast Water Coalition (SEWC), the City of Norwalk (City) as Lead Agency, is seeking the services of a highly qualified Certified Public Accounting firm (Auditors) to provide Auditing Services. The Auditors shall perform an audit of all funds of the SEWC for the fiscal year ending June 30, 2024, with the option of a one-year extension to conduct an audit of financial statements for the fiscal year ending June 30, 2025.

The Southeast Water Coalition Joint Powers Authority (SEWC) was created in July 1991 and is comprised of eleven cities. These agencies formed a joint power authority to improve and protect the quantity and quality of the regional water supply. SEWC's water purveyors service a population of 670,000 in a service area of 93+ square miles.

The SEWC Board of Directors consists of one representative (normally a Councilmember) from each member city. The Administrative Entity acts as a steering committee consisting of one Public Works type staff member from each member city plus three non-voting (advisory) members from the Central Basin Watermaster, Golden State Water Company, and California Water Service (two private utilities serving several member cities).

The SEWC Lead Agency rotates through a list of the eleven cities with each Lead Agency serving a two-year term. As of July 1, 2024, the City of Norwalk began its Lead Agency tenure, which runs until June 30, 2026.

RFQ Schedule

Event	Date
RFQ Release Date	October 18, 2024
Deadline to submit questions	October 23, 2024 @ 10:00 a.m.
Response to Questions	October 24, 2024
RFQ Deadline	October 29, 2024 @ 10:00 a.m.

Response Method

All responses to this solicitation must be made through the City's PlanetBids portal. Mailed, emailed, faxed, or hand-delivered responses will **not** be accepted.

Proposal shall be typed and uploaded on 8 1/2" x 11" sized paper. Offerors should not include any unnecessarily elaborate promotional material. Lengthy narrative is discouraged, and proposal should be brief, clear and concise. Proposals shall be addressed to Glen W.C. Kau, P.E., Director of Public Services/City Engineer.

Scope of work

The audit will be conducted in accordance with auditing standards including, but not limited to:

- Generally accepted standards applicable to financial audits in the Generally Accepted Government Auditing Standards (Yellow Book), issued by the Controller General of the United States.
- United States General Accounting Office's (GAO) Standard for Audit of Governmental Organizations, Programs, Activities, and Functions.
- Generally accepted auditing standards of the American Institute of Certified Public Accountants (AICPA).
- Local Governments and Governmental Accounting Standards Board (GASB) Pronouncements.
- United States Office of Management and Budget (OMB) Uniform Guidance.
- Single Audit Act as amended in 1996.

The Scope of Work will include, but not limited to, the following tasks:

TASK 1: DOCUMENT GATHERING & FIELDWORK

Meet with SEWC management to discuss audit schedules and review the prior year's audit, and policies and operating procedures. Develop a list of document requests to submit to SEWC staff. Conduct meetings, assessments, and data analysis.

TASK 2: INDEPENDENT AUDITORS' REPORTS

Conduct an independent audit of the basic financial statements of the activities of the SEWC for the fiscal year ending June 30, 2024 (with option of extension to conduct audit for year ending June 30, 2025), and the related notes to the financial statements, which collectively comprise the SEWC's basic financial statements. The Auditors must certify that it is independent of the SEWC. The Auditors must meet independence requirements defined by the United States Government Accountability Office's (US GAO's) Government Auditing Standards and has no conflict of interests. Audit reports will be prepared utilizing defined internal and/or external quality control procedures.

The SEWC's Annual Financial Report will be prepared by the Auditors by and no later than December 31st of each fiscal year under contract, unless waived in writing by the Lead Agency.

TASK 3: SINGLE AUDIT

When required, the Auditors will perform a single audit on the expenditures of federal grants in accordance with OMB Circular A-133 and render the appropriate audit reports on Internal Control over Financial Reporting based upon the audit of the SEWC's financial statements in accordance with Government Auditing Standards and the appropriate reports on compliance with Requirements Applicable to each Major Program, Internal Control over Compliance and on the Schedule of Expenditures of Federal Awards in Accordance with OMB. The single audit report will include appropriate schedule of expenditures of federal awards, footnotes, findings and questioned costs, including reportable conditions and material weaknesses, and follow up on prior audit findings where required.

TASK 4: DEFICIENCIES & WEAKNESSES

The Auditors will identify and evaluate the SEWC's internal control over financial reporting, tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters, and report in writing to the SEWC Board any control deficiencies found during the audit that are considered significant deficiencies and/or material weaknesses based on Government Auditing Standards.

TASK 5: FEDERAL CLEARING HOUSE & STATE CONTROLLER'S REPORT

The engagement team will assist the Coalition in drafting the and completing submission of data collection form, uploading audit package to the Federal Clearing House. The Auditors will prepare the annual report of Financial Transactions to the State Controller's office, also referred to as the State Controller's Report for the SEWC.

TASK 6: COMMUNICATION

Auditors shall participate in meetings with staff as needed to perform the work scope tasks. The Auditors shall also attend meetings to communicate with the SEWC Board matters related to the financial statement audit, in the auditor's professional judgment, significant and relevant to the governing body, findings and recommendations.

TASK 7: DOCUMENT HANDLING & RETENTION

All working papers and reports must be retained at the auditor's expense for a minimum of five (5) years, unless the Auditors is notified in writing by the City of the need to extend the retention period. The auditor will be required to make working papers available to the City or any government agencies included in the audit of federal grants. In addition, the Auditors shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance. Auditors are to take all the preventive steps to avoid putting SEWC's information at risk.

Additional Terms & Conditions

FIRM QUOTATION: All quotations submitted to the City of Norwalk shall remain firm for at least 90 days

TAXES: The quoted amount must include all applicable taxes. If taxes are not specifically identified in the quotation it will be assumed that they are included in the total quoted.

TAXES, PERMITS & FEES: The successful bidder shall pay for and include all federal, state and local taxes direct or indirect upon all materials; pay all fees for, and obtain all necessary permits and licenses, unless otherwise specified herein.

SPECIFICATIONS AND EQUALS: Brand names, where used, are a means of establishing quality and style. Bidders are invited to quote their equals. Alternate offers are to be supported by literature, which fully describes items that you are bidding. No exceptions to or deviations from this specification will be considered unless each exception or deviation is specifically stated by the bidder, in the designated places. If no exceptions or deviations are shown, the bidder will be required to furnish items exactly as specified herein. The burden of proof of compliance with this specification is the responsibility of the bidder.

Time of delivery is a part of the consideration and must be stated in definite terms and must be adhered to. F.O.B. Point shall be destination or freight charges must be stated.

Each item shall be separately bid. Prices should be stated in units specified herein. All applicable charges must be quoted; charges on invoice not quoted herein will be disallowed.

All bids must be dated and signed with the firm's name and by an authorized officer or employee.

Bids received after the closing date/time will NOT be considered.

The City of Norwalk reserves the right to reject any and all bids and to waive informalities or irregularities in bids.

After award, all bids shall be open to public inspection. The City of Norwalk assumes no responsibility for the confidentiality of information offered in a bid.

City of Norwalk

Document Downloads for Auditing Services- Southeast Water Coalition (SEWC)

Exported on 10/29/2024

Vendor Name	RFQ Document
Baker Tilly US, LLP	October 22, 2024 6:21 AM (PDT)
	October 22, 2024 1:57 PM (PDT)
Deltek	October 22, 2024 1:58 PM (PDT)
	October 22, 2024 8:38 AM (PDT)
Eide Bailly LLP	
	October 21, 2024 11:02 PM (PDT)
Harshwal & Company, LLP	October 21, 2024 11:05 PM (PDT)
Intrinz Inc.	October 21, 2024 10:35 AM (PDT)
	October 21, 2024 8:59 AM (PDT)
Price Paige & Company	October 29, 2024 8:43 AM (PDT)
SevenOutsource	October 18, 2024 11:35 PM (PDT)
shfsrtgfnfcx	October 18, 2024 11:53 PM (PDT)
SingerLewak LLP	October 18, 2024 5:58 PM (PDT)
	October 18, 2024 5:19 PM (PDT)
The Pun Group, LLP	
Turner, Warren, Hwang & Conrad AC	October 21, 2024 10:00 AM (PDT)
	October 18, 2024 5:39 PM (PDT)
Vasquez + Company LLP	October 21, 2024 9:51 AM (PDT)



PRICE PAIGE & COMPANY
Certified Public Accountants

QUOTE FOR PROFESSIONAL AUDIT SERVICES

FOR

SOUTHEAST WATER COALITION

**FOR THE YEAR ENDED
JUNE 30, 2024**

RFQ No. 25-902-001



Southeast Water Coalition

A joint powers authority to protect the Central Groundwater Basin

Submitted
November 18, 2024

By

Fausto Hinojosa, CPA, CFE
Managing Partner/Audit Partner
Price Paige & Company
Certified Public Accountants

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TABLE OF CONTENTS

	PAGE
LETTER OF TRANSMITTAL.....	1
FIRM HISTORY AND QUALIFICATIONS.....	2
VALUE-ADDED SERVICES AND SUPPORT	4
TEAM QUALIFICATIONS AND EXPERIENCE	5
TEAM RESUMES	6
RELEVANT PRIOR EXPERIENCE	9
SCOPE OF SERVICES	10
AUDIT APPROACH	11
COST QUOTE	13
PEER REVIEW REPORT	14



PRICE PAIGE & COMPANY
Certified Public Accountants

The Place to Be

November 18, 2024

Glen W.C. Kau, P.E., Director of Public Services/City Engineer
City of Norwalk
c/o Southeast Water Coalition
12700 Norwalk Boulevard
Norwalk, CA 90650

Dear Mr. W.C. Kau, P.E. and Auditor Selection Committee:

Thank you for considering Price Paige & Company for your audit services. It is our pleasure to present to you our quote to provide professional audit services to the Southeast Water Coalition (the Coalition) for the year ended June 30, 2024, with one potential one-year extension. When presented with viable alternatives, it is not always easy for entities such as the Coalition to identify the accounting firm that can best meet their overall auditing needs. Over the past 45 years, we have developed significant expertise in governmental accounting. Our knowledge of the governmental environment and operations has allowed us to develop more robust audit procedures that enhance the quality of our audits.

Our audit professionals are highly qualified and have extensive experience and expertise in governmental auditing and accounting. The firm has been a member of the AICPA Government Audit Quality Center for several years, and all our accountants take a minimum of 80 hours of continuing professional education every two years specifically related to the auditing and accounting services we provide. This commitment to learning yields a direct benefit to the clients we work with. Additionally, our firm has a well-earned reputation for ensuring audit engagements are performed in accordance with professional standards and, just as importantly, on time. We are committed to communicating effectively to ensure that we address your questions comprehensively. As demonstrated by our resumes and considerable involvement by the firm's audit principal, we feel that our firm has the resources, knowledge and expertise to meet and service the needs of the Coalition. We can assure you that we fully understand the scope of work to be performed, and we wish to emphasize our commitment to meeting and exceeding all your expectations. We are committed to providing these services in accordance with the Coalition's required timelines. Additional information about our firm's audit department and the services we offer can be found on our website, www.ppc.cpa.

We trust that this quote to provide professional audit services will adequately summarize our approach to client service and identify those attributes that set Price Paige & Company apart from others. We appreciate the opportunity to submit this quote application to serve you and would be pleased to furnish any additional information regarding our firm or answer any other specific questions or concerns you may have. I am an audit principal for our firm, and I am authorized to make representations regarding this quote. I may be reached at (559) 299-9540 or via email at fausto@ppcpas.com.

Sincerely,

Fausto Hinojosa, CPA, CFE
Managing Partner/Audit Partner
Price Paige & Company
Certified Public Accountants

570 N. Magnolia Avenue, Suite 100
Clovis, CA 93611

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FIRM HISTORY AND QUALIFICATIONS

Established in 1976 and located in Clovis, California, Price Paige & Company consists of five owners (partners) each of whom is a Certified Public Accountant. The partners of the firm have more than 90 years of combined experience in public accounting. Our firm is comprised of over 50 professional, paraprofessional and administrative staff. More than 50% of Price Paige & Company's practice is in auditing and attestation services, primarily in the governmental and not-for-profit sectors. In addition, we provide services to many businesses in accounting, tax and management consultation in all areas.

Price Paige & Company is recognized in the community and by our peers as experts in the areas of governmental and not-for-profit auditing, attestation and accounting. Our proven commitment to excellence allows us to work with clients in the timeliest and most cost-effective manner possible. Our auditors are not seasonal; that is, they are not "tax accountants" who perform audits in the "off-season." They focus exclusively on providing audit services, and they receive over 80 hours of continuing education every two years, specifically related to improving their audit skills. The experience of our team allows us to conduct very efficient and effective audits.

We currently provide auditing, attestation and accounting services to more than 60 governmental agencies and 75 not-for-profit organizations annually, many of which are federal single audits. The breadth and scope of single audits we have conducted is significant, and we have experience auditing organizations with an excess of \$100 million dollars of federal funding.

We will assign a team of personnel from our firm to your account to provide the range of services you have requested. This team is kept abreast of any significant developments that arise through our normal association with you. The most important aspect of this approach is to provide continuity to the engagement. We understand that the audit process requires two-way communication, and we accept our responsibility to listen to our client's concerns and deliver timely and effective solutions.

Proactive Rather than Reactive Approach to Client Service

A primary objective of our client service is to make positive contributions to our client's profitable operations, organizational efficiency and productivity. We work hard at anticipating problems and ensuring there are no surprises. We are creative and will always present alternatives for our client's evaluation rather than relying on the "textbook" solution. We will schedule frequent meetings and utilize our management recommendation letters as tools for communication with you.

Smart Technologies

We use sophisticated data analysis software (IDEA) that allows us to perform specific fraud-detection tests on large amounts of data; in some cases, testing 100% of the transaction population. Some of the specific tests we perform include the following: duplicate payment tests, matching of employee and vendor addresses to identify potential conflicts and review of purchase orders to identify potential bid splitting. We believe our creative use of this value-added software tool allows us to perform more effective audits and gives our clients increased confidence in their financial reporting. For example, we have successfully implemented this data analysis software and testing at Fresno Unified School District, which is the third largest school district in the state, with a budget in excess of two billion dollars.

All our audit engagements are performed utilizing a paperless and digital approach. Our auditing software allows us to increase our efficiency and provide a streamlined workflow. Documents and files can easily be retrieved and forwarded to our clients without the need for photocopying.

External Peer Review

The successful peer reviews our firm has received and our Engagement Quality Control Review program serve as evidence of our commitment to meeting the standards of care and performance applicable to our auditing, attestation and accounting practice, which demonstrate the extra measures we take to ensure continued successful compliance with our client's expectations about our quality and competence.

For your consideration, a copy of the firm's Peer Review Report is included in this quote as listed on the table of contents. The firm received a "pass" report, and the review included specific not-for-profit, governmental and Uniform Guidance engagements.

We Conduct Peer Reviews

In addition to receiving successful peer reviews, **Price Paige & Company also conducts peer reviews** of other accounting firms. Essentially, we "audit" other auditors to ensure auditing and accounting standards are met. Being a peer reviewer requires us to understand the technical accounting rules, especially in the governmental and not-for-profit environments. We leverage our experience as technical peer reviewers in our audit engagements so that we can perform effective and efficient audits for all our clients.

Mandatory Qualifications

Licensure and Certification — The associates of Price Paige & Company are licensed Certified Public Accountants, certified by the California State Board of Accountancy (License #PART 8241). All team members assigned to the engagement comply with the 80-hour continuing education requirements promulgated by *Government Auditing Standards* issued by the U.S. Government Accountability Office.

Independence — Our firm is independent with respect to the Coalition defined by applicable standards generally acceptable in the United States as well as *Government Auditing Standards* issued by the U.S. Government Accountability Office.

No Conflict of Interest — Our firm's established policy is that we do not submit quotes for auditing, attestation or accounting services if there is a known conflict of interest with the potential client. There are no current or potential conflicts of interest with anyone (employees, management, officers or directors) within the Coalition.

No Disciplinary Actions — Price Paige & Company has **never had any disciplinary actions** taken nor are any pending with the Federal or State regulatory bodies or professional organizations. In addition, we are pleased to affirm that we have never had an unresolved dispute related to accounting or auditing matters that resulted in disengagements. We work closely with our clients to develop solutions that are consistent with the accounting rules and auditing standards issued by the U.S. Government Accountability Office.

Additional Confirmations of Understanding

File Retention — We will retain working papers for seven (7) years following the completion of the audit.

Equal Opportunity Employer — Price Paige & Company is an equal opportunity employer. All employees are treated on their merits, without regard to race, age, sex, marital status or other factors not applicable to their position. Employees are valued according to how well they perform their duties, their demonstrated abilities and their enthusiasm toward maintaining the firm's standards of service.

Liability Coverage — Price Paige & Company maintains comprehensive General Liability Coverage and Errors and Omissions Insurance with a limit of at least \$3,000,000. All required certificates of insurance will be provided to the Coalition's management, should our firm be the successful bidder.

VALUE-ADDED SERVICES AND SUPPORT

The role of accountants has evolved over time in response to the client's needs. Our firm has made it a practice to be proactive with clients by providing value-added services, all of which are included as part of our audit engagement. Below are some of the value-added benefits that we provide to our clients at **no additional charge**.

Consultation on Accounting Matters

We provide our clients with guidance on technical accounting matters. We encourage our clients to communicate with us regarding any technical accounting matter, as it allows us to be proactive in the audit process. If the technical accounting questions are outside the scope of the audit or require significant research, we will communicate with management the appropriate cost for their approval before proceeding with any additional services.

Client Training

We believe it is important to give our clients access to a full range of information to help them stay aware of current accounting developments and financial reporting issues. As part of our client service program, we will periodically hold client training seminars and summary courses aimed at providing our clients with an understanding of relevant accountancy issues. Training sessions we have offered included the following topics: understanding and mitigating the risk of fraud, reading and understanding governmental and non-profit financial statements and understanding the impact of unrelated business taxable income activities.

At the request of our clients, we expect to offer more client training sessions on some of the following topics in the future:

- current and pending government accounting pronouncements,
- differences in grant accounting vs. GAAP accounting,
- understanding the risk of fraud in an organization.

As part of the value-added service included in our client engagements, we invite our clients and their board members to attend the training sessions, which we anticipate offering remotely through webinar or digital conferences.

Approach to Communication and Expectations of Our Clients

In order to meet and exceed your expectations, we are diligent about maintaining open communication throughout the entire engagement. In our experience, this results in a more effective engagement. Our approach depends on the timely response and assistance of the Coalition. This cooperation will further ensure our work is completed in an efficient and cost-effective manner.

Additional Services Provided

In addition to financial statement audits, we also offer the following services: Internal Control Reviews, Forensic Accounting, Fraud Investigations, Agreed-Upon Procedures, Financial Statement Reviews and Financial Statement Compilations.

TEAM QUALIFICATIONS AND EXPERIENCE

We have an outstanding team of professionals who have established themselves as qualified competent individuals. We can assure you that each of our professionals is experienced in governmental accounting and GASB accounting pronouncements. Following is a brief overview of their experience. Detailed experience for each of these professionals can be found in Team Resumes as listed on the table of contents.

Years of Auditing / Accounting Experience

Managing Partner/Audit Partner Fausto Hinojosa, CPA, CFE	34
Quality Control Partner Joshua Giosa, CPA	17
Audit Supervisor Jasmine Logee, CPA	11

Availability of Personnel and Time Requirements

Our level of staffing is more than sufficient to ensure that you receive a timely, efficient service. Should any of the above members of our team become unavailable, we will provide another equally qualified individual from our firm.

Continuity of Professional Staff and Succession Planning

Continuity of staff on engagements is as important to us as it is to our clients. Continuity promotes a thorough understanding of your needs and goals and helps us help you. A smooth transition from your existing firm to our firm will be accomplished as follows:

Communication — We stress communication early on with your staff to determine expectations, time frame for delivery of information and our extent and availability of assistance. We provide a written list of detailed information needed during our engagement, including critical due dates.

Experience — Members of our engagement team are very experienced in the operational, administrative and accounting and compliance issues related to governmental entities.

Quality — The firm maintains a rigorous quality control review process that includes not only a detailed review by a quality control manager and engagement partner but also an Engagement Quality Control Review (EQCR) as defined by AICPA standards.

Audit Approach — Our audit approach emphasizes effective up-front planning to identify issues for timely resolution.

TEAM RESUMES



FAUSTO HINOJOSA

Certified Public Accountant
Certified Fraud Examiner
California License # 66479

Present Position

Managing Partner/Audit Partner

Education and Experience

Fausto is Audit Partner in charge of audit and forensic consulting engagements for Price Paige & Company. For over thirty years his practice has focused on audit and accounting, fraud investigation, forensic consulting, and litigation support services. Fausto serves as the Managing Partner for the Firm and is responsible for providing strategic leadership. He has worked professionally in the accounting field since graduating from California State University, Fresno, in 1990. He became a Certified Public Accountant in 1994 and a shareholder with Price Paige & Company in 1997. A Certified Fraud Examiner, Fausto has investigated numerous allegations of fraud and has been designated a fraud expert in various legal proceedings.

After more than 30 years in the profession, Fausto has developed significant expertise specifically in the areas of audit risk assessment, governmental and not-for-profit auditing, fraud detection and prevention, federal/state grant compliance and internal controls.

Fausto is the former Chair of the local Government Accounting and Auditing Committee for the California Society of CPAs and currently serves on the state committee. In addition, Fausto is a reviewer for the Government Finance Officers Association "Certificate of Achievement for Excellence in Financial Reporting" program. As the former Chair for the State Board of Accountancy Qualifications Committee, Fausto conducted audit workpaper reviews of CPA candidates in order to make licensure recommendations to the Committee.

Fausto is a former Adjunct Professor at Fresno Pacific University, where he taught an upper-division auditing course. He is a frequent lecturer to the California Society of CPAs and other professional organizations, business and civic groups on governmental and not-for-profit accounting and auditing, preventative fraud measures and the unique audit requirements for federal award programs under the Single Audit Act.

Professional Organizations and Community Involvement

- California Board of Accountancy Peer Review Oversight Committee — Vice Chair
- State Board of Accountancy Qualifications Committee — Past Chair
- Fresno Chapter of California Society of CPAs — Past President
- Association of Certified Fraud Examiners — Member
- American Institute of Certified Public Accountants — Member
- Government Accounting and Auditing Committee of the Fresno Chapter — Past Chair
- State Government Accounting and Auditing Committee of the California Society of CPAs — Member
- Government Finance Officers Association — ACFR Reviewer



JOSHUA GIOSA

Certified Public Accountant
California License # 119801

Present Position

Quality Control Partner

Education and Experience

Joshua began his accounting career at Price Paige & Company in January 2007 after graduating from California State University, Fresno. In June 2005, he received a Bachelor of Science in Business Administration with an option in Accountancy and became a Certified Public Accountant in 2013.

Joshua is a partner for many of the firm's municipal audits and all its consultation clients. Although his governmental auditing background dates to 2007, since 2011 he has worked almost exclusively with governmental agencies, including the planning, performing, and reviewing of financial statement audits, which often also includes the compilation of their financial statements. He has performed and overseen substantial grant compliance work on both federal and state programs, has conducted several single audits, and has prepared numerous State Controller reports.

Beginning in 2017, Joshua shifted his focus from auditing to consulting governmental agencies, including counties, municipalities, and special districts. During this time, he has worked very closely with finance department personnel to support their primary objective of providing timely and accurate information to the decision-makers of a given entity. Responsibilities have included assisting clients with closing their financial records and preparing audit schedules in preparation for their annual audits, preparing monthly bank reconciliations and any other reconciliations requested by management for internal purposes, providing guidance for implementing new accounting pronouncements, and providing guidance for improving internal controls. Additionally, he has assisted municipalities in implementing new accounting software and developing a new chart of accounts and fund structures. Joshua has extensive knowledge of the Government Accounting Standards Board pronouncements and has assisted his clients in the most complex of transactions. His background also includes significant experience auditing not-for-profit entities and 401(k) pension plans. Joshua has expertise in the use of IDEA data analysis software and has used this software to conduct fraud detection procedures as a part of the many municipal audits he manages.

Community and Affiliations

Joshua is a member of the American Institute of Certified Public Accountants, the California Society of CPAs and the Government Finance Officers Association. He is currently serving on the Board of Directors as the Treasurer for North Fresno Rotary Endowment and president of Bullard Youth Softball League. He was formerly on the Board of Directors as the Treasurer for Big Brothers Big Sisters of Central California and Fresno's Rotary Storyland/Playland. Joshua is also an honorary member of the North Fresno Rotary Club.

Continuing Education

Joshua is in compliance with the continuing education requirements of the AICPA and Government Auditing Standards. Josh recently developed a training program for PPC staff and conducted training in courses such as *Accounting and Auditing of GASB 54*, *Auditing Enterprise Revenue and Receivables*, and *Risk Assessment for Government Agencies*. Recently attended courses include: *Governmental Auditing and Accounting Update*, *Advanced Financial Report*, and *Advanced Governmental Accounting*.



JASMINE LOGEE

Certified Public Accountant
California License # 136473

Present Position

Audit Supervisor

Education and Experience

Jasmine began her accounting career after receiving a Bachelor of Science in Business Administration with an emphasis in Accounting and graduating from California State University, Fresno in December 2013. Jasmine practiced in private accounting prior to joining Price Paige & Company in February of 2017. She became a Certified Public Accountant in August 2018.

Jasmine has been an in-charge auditor for numerous governmental and not-for-profit audits, which include Yellow Book compliance, Single Audit compliance and compliance with required GASB standards. She has experience preparing financial statements in accordance with these standards as well. She has demonstrated her expertise in preparing and auditing calculations of pension-related and other post-employment benefit liabilities, deferred outflows, and deferred inflows in accordance with GASB 68 and GASB 75. Her background includes audits of governmental and not-for-profit entities which are performed in accordance with GAAP and GAS, as well as Single Audits in accordance with OMB Uniform Guidance 2 CFR 200 Subpart F.

Community and Affiliations

Jasmine is a member of the American Institute of Certified Public Accountants and the California Society of CPAs.

Continuing Education

Jasmine is maintaining continuing professional education requirements to meet current standards of the General Accounting Office of the United States of America. Continuing professional education courses and seminars recently attended include: *The New Yellow Book Standards for Financial Audits (AICPA)*, *Yellow Book Application of GAGAS Principles (AICPA)*, *SAS 145 – Understanding the Entity and Its Environment and Assessing Risks*, *GASB 96 – SBITAs*, *Advanced Topics in a Single Audit (AICPA)*, *Real World Fraud Found in Governments and NFPs (AICPA)*.

RELEVANT PRIOR EXPERIENCE

After evaluating our relevant experience, we are certain you will agree that Price Paige & Company is highly qualified to serve you. We have been successfully performing audit and attestation engagements since 1976. We have since continued to build on our reputation as a well-respected firm in and around the San Joaquin Valley and throughout California, with the qualifications and experience necessary to provide unequalled performance. Following is a list of several of our clients for whom we have provided similar services and our primary contact for each:

Reference Name: Kings River Conservation District
Contact: Binu Brar, Director of Finance
Address: 52027 W. Althea Avenue, Firebaugh, CA 93622
Phone: (559) 237-5567 x128
Email: bbrar@krcd.org
Service Provided: Financial Statement Audit (GAAS) and Advisory Services
Dates: June 30, 2003 through Present

Reference Name: Panoche Water District
Contact: Marlene Brazil, Accounting Supervisor
Address: 52027 W. Althea Avenue, Firebaugh, CA 93622
Phone: (209) 364-6136
Email: mbrazil@panochewd.org
Service Provided: Financial Statement Audit (GAS) and Advisory Services
Dates: February 29, 2016 through Present

Reference Name: South San Joaquin Irrigation District
Contact: Sonya Williams, Finance and Administration Manager
Address: 11011 E. Highway 120, Manteca, CA 95336
Phone: (209) 249-4600
Email: swilliams@ssjid.com
Service Provided: Financial Statement Audit (GAS) and Advisory Services
Dates: December 31, 2023 through Present

SCOPE OF SERVICES

As our experience indicates, we clearly understand the scope of services to be provided. You can be assured that we will design a service-specific approach to ensure compliance with all applicable standards and ensure that the Coalition receives high-quality, efficient and effective service.

Standards/Publications to be Followed

The financial and compliance audits will be performed in accordance with the following auditing standards:

- ♦ Generally Accepted Auditing Standards (AICPA)
- ♦ *Government Auditing Standards* (U.S. Comptroller General)
- ♦ United States General Accounting Office's (GAO) Standard for Audit of Governmental Organizations, Programs, Activities, and Functions
- ♦ Local Governments and Governmental Accounting Standards Board (GASB) Pronouncements
- ♦ All other applicable federal, state and local laws and regulations

Services to be Performed

The following services will be provided to the Coalition for the year ended June 30, 2024.

1. We will audit the Coalition's basic financial statements in accordance with Generally Accepted Auditing Standards (GAAS) in the United States and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.
2. We will express an opinion on the financial statements as to whether they present fairly, in all material respects, the financial position of the Coalition and the changes in financial position in conformity with generally accepted accounting principles (GAAP), and issue an independent auditor's report stating this opinion.
3. We will test internal control over financial reporting and compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters, in accordance with *Government Auditing Standards*.
4. We will apply limited procedures related to the Required Supplementary Information (RSI), Management's Discussion and Analysis (MD&A), budgetary comparison information, and the supplementary information.
5. We will prepare and present to the Board of Directors and Management a report that identifies control deficiencies, significant deficiencies and material weaknesses, if any, and your recommendations for improvements in accounting and administrative controls.
6. We will prepare a written letter of communication to the Audit Committee that will include the following:
 - 1) auditor's responsibility under generally accepted auditing standards, 2) significant accounting policies, 3) management judgments and accounting estimates, 4) significant audit adjustments, 5) disagreements with management, 6) management consultation with other accountants and 7) difficulties encountered in performing the audit.
7. We will prepare and submit the State Controller's Report for the Coalition.

AUDIT APPROACH

We are confident that we will provide high-quality services based on our experience in working with governmental entities of similar size and scope to yours. Our high client satisfaction rate can be attributed to our effective communication and our efficient proprietary audit methodology.

Audit Procedures and Phases of the Engagement

Price Paige & Company provides value to our clients by creating a custom audit approach that is based on a client's specific needs, risks and opportunities. Our audit approach under generally accepted audit standards is depicted in the graphic below.

Our professional responsibility is to obtain sufficient audit evidence before an opinion is rendered on any financial statement. To achieve this, we will conduct our work in the following phases:

- ♦ Audit Planning and Risk Assessment
- ♦ Year-End Fieldwork
- ♦ Reporting
- ♦ Audit Focus
- ♦ Closing Conferences and Formal Presentation

Details about each of these phases are listed on the on the following pages.

Audit Planning and Risk Assessment

No other phase of the process affects the success of an engagement more than the time spent on planning the general scope and direction of the audit, including assessing the risks of financial statement misstatements. We will schedule audit planning and interim fieldwork to be done prior to final fieldwork with your personnel.

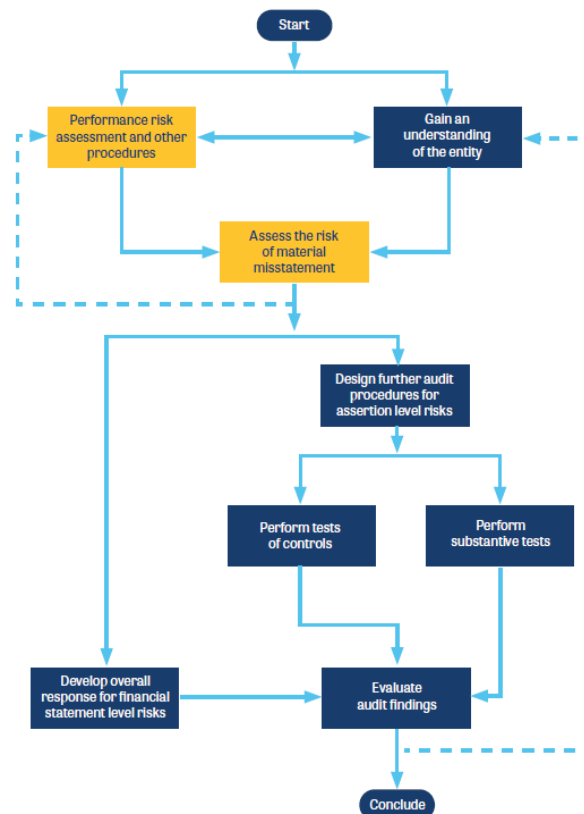
We will hold a planning session with the key members of our engagement team and your personnel.

During our planning session with management, we will also address AU-C Section 240, "Consideration of Fraud in a Financial Statement Audit." This auditing standard requires that we conduct certain meetings and interviews and perform and document certain procedures for identifying and responding to fraud risks.

As part of the audit planning and risk assessment phase of the audit, we will request a meeting with management to discuss our planned audit approach and any significant audit and accounting issues, as well as address any concerns.

As part of that process, we will conduct a pre-audit conference with appropriate management personnel to discuss the scope and timing of the audit.

The risk assessment audit standards require assessments based on an understanding of the internal controls over your financial reporting and our determination of the areas that present risks of material misstatement to your financial statements. We will then design our audit approach to include tests of the specific internal controls and substantive audit procedures that are tailored to the identified risks. Our risk assessment includes consideration of the factors depicted on the chart below.





Year-End Fieldwork

During the year-end phase of our audit, we will complete our audit work based on the audit programs designed specifically for the Coalition. This will include the results of our risk assessment and interim testing results, and we will issue a report on the financial statements in a timely and efficient manner.

Reporting

This phase will include the following:

- ♦ reviewing the financial statements and reconciling them to underlying audited records,
- ♦ evaluating the financial statements for compliance with GAAP requirements,
- ♦ formulating an opinion as to the fair presentation of the financial statements and
- ♦ preparing management letter with recommendations and communication letter to management.

We will immediately submit to management a written report of all irregularities and illegal acts, or indications of illegal acts, of which we become aware.

Audit Focus

Based on our audit experience with similar governmental entities, the primary areas of the audit on which we will focus include:

- ♦ Cash and investments
- ♦ Inventory
- ♦ Capital assets
- ♦ Accounts payable and expenditures
- ♦ Compliance with laws and regulations
- ♦ Commitments and contingencies
- ♦ Implementation of pronouncements of the Governmental Accounting Standards Board (GASB)

Closing Conferences and Formal Presentation

We believe regular communication with management will be a critical part of the success of our audit engagement. Therefore, we will provide regular updates to management regarding the progress of the audit during meetings with key personnel.

Additionally, the engagement partner will meet with management to review any potential adjusting journal entries, drafts of the management comment letter, communication with those charged with governance (AU-C 260) letters and a draft of the financial statements.

We will complete our work in sufficient time to meet the applicable deadlines. If required, we will make a formal presentation of the audit results and reports to management and will remain available to respond to their questions.

COST QUOTE

Description of Services	Total \$ FY 2023-24	(Optional) Total \$ FY 2024-25
Financial Statement Audit	\$ 7,480	\$ 7,480
State Controller's Report	800	800
Total All-Inclusive Maximum Fee	\$ 8,280	\$ 8,280

Staff Classification	Quoted Hourly Rate (FY 2023-24)	Hours	Total
Partner	400	2	\$ 800
Manager	300	-	-
Supervisor	235	8	1,880
Senior	200	10	2,000
Audit Staff	135	15	2,025
Support Staff	105	15	1,575
Total			\$ 8,280

Our proposed fees are based upon our current understanding of the work to be performed as outlined under the Scope of Services, and we give you a "Total All-Inclusive Maximum Fee" for these services. These fees are made with the following assumptions: 1) the Coalition's books will be properly closed and reconciled, 2) records will be complete and readily available at the start of the engagement and 3) representations made to us during this quote process will remain effective throughout the engagement.

In the event disclosures in the audit engagement indicate extraordinary circumstances that warrant more intensive and detailed services, we will provide to management in writing and in advance the reasons for the additional services together with the firm's estimate of costs, and a statement that no work will be performed without advance approval by the Auditor. Any and all additional work as agreed in advance by the Auditor will be compensated for at the same rate quoted in this cost quote.



Report on the Firm's System of Quality Control

Price, Paige & Company A C

Clovis, California;

and the Peer Review Committee of the California Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Price, Paige & Company A C (the firm) in effect for the year ended April 30, 2021. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

CPAs ■ Advisors

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CPAmerica
Member  Crowe Global

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Price, Paige & Company A C in effect for the year ended April 30, 2021, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Price, Paige & Company A C has received a peer review rating of *pass*.

GYL LLP

Ontario, California
November 19, 2021





**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: November 21, 2024
To: Southeast Water Coalition Administrative Entity
From: Glen Kau, AE Chair, City of Norwalk

**Subject: DISCUSSION/ACTION REGARDING WHITTIER NARROWS
OPERABLE UNIT (WNOU)**

Recommendation: Conduct virtual meeting with Department of Toxic Substances Control (DTSC) and solicit questions/comments from AE members in preparation for the December Board Meeting presentation.

Background:

During the September AE Meeting, it was determined that the AE Chair, Glen Kau, would reach out to DTSC and request a presentation at the October Board Meeting. DTSC confirmed that while they could not make themselves available for the October Board Meeting, they are available to present at the December Board Meeting.

The purpose of the current discussion is to identify any relevant developments or questions we may want DTSC to address during their December presentation. Additionally, based on this discussion, the AE Chair will request a virtual preparatory meeting with DTSC representatives. This meeting would allow for a preview and alignment on the presentation's key points, ensuring it is as informative and relevant as possible for the Board.



**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: November 21, 2024
To: Southeast Water Coalition Administrative Entity
From: Glen Kau, AE Chair, City of Norwalk & Derek Nguyen, Ph.D., P.E. – AE Member, City of Lakewood

Subject: DISCUSSION/ACTION REGARDING SEWC FOLLOW-UP LETTER TO THE DIVISION OF DRINKING WATER (DDW) – HOLLYWOOD DISTRICT

Recommendation: Discuss possible follow-up letter to Division of Drinking Water to address regulatory authority for water quality oversight and enforcement.

Background:

On April 4, 2024, the SEWC Board sent a letter to Mr. Eric Oppenheimer, Executive Director of the State Water Resources Control Board - Division of Drinking Water (DDW) expressing concerns regarding difficult and frustrating experiences our member cities faced with the local DDW District office when applying for operating permit amendments. The Board requested a meeting with DDW to address concerns with requirements imposed by the local DDW District office that were not based on established laws and regulations, but rather were based on opinions and personal interpretations from DDW staff. Those conditions were often requested by DDW without providing defensible reasons or evidence supporting their requests, which caused unnecessary delays and denied member cities the ability to operate their water facilities.

Following the issuance of the letter, DDW Southern California Branch Deputy Director, Sean McCarthy and Section Chief, Ashley Dummer met with four (4) AE staff members from the Cities of Norwalk, Whittier, Pico Rivera and Lakewood to review the content of the letter. The AE members expressed collective concerns with respect to permit delays, unnecessary requirements and the desire to address those issues. Both the DDW Deputy Director and Section Chief agreed in concept with the AE that DDW needed to provide better assistance in streamlining permit issuance and in assisting to find ways to improve the process.

Since then, staff has seen more involvement from the new Section Chief in the permitting process and an improvement on DDW's willingness to work with SEWC member cities. However, it is noted that there are continuous attempts from the local District Engineer to impose unwarranted permit conditions on member cities.

The latest example came from a permit issued to one of our member cities, in which the local District Engineer added 11 permit conditions. DDW staff referenced *California Health and Safety Code, section 116540* and reiterated their position that DDW has broad authority to “*impose permit conditions, requirements for system improvements, technical, financial, or managerial requirements, and time schedules as it deems necessary to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.*”

Under the pretext of Section 116540, the Hollywood District staff imposed additional conditions without providing any evidentiary support of prior incidents that demonstrate those permit conditions are **absolutely needed** or “**necessary**” in order “**to ensure supply of water does not endanger the health of consumers**” as cited in Section 116540.

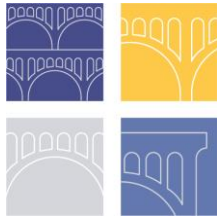
The claim that those conditions are “**necessary**” violates the intent of the regulatory scheme and lacks evidentiary support for DDW staff to make such assertion. Contrary to the claim, the subject water system has and continues to meet all state drinking water standards *without endangering the health of its consumers*. This proves that those permit conditions are not warranted and not “necessary” in order for our member city water system to not endanger public health. California Health and Safety Code, section 116540 specifically states that DDW “may” impose permit conditions, but evidence must be provided to justify the use of such discretion.

Furthermore, the claim that those conditions are necessary or absolutely needed as stated in the permit **undermines public confidence** and **erodes public trust** and **has the potential of damaging a water system’s reputation** in that it falsely asserts that without those permit conditions, the water system would fail to meet drinking water standards and would therefore endanger public health. Without evidentiary support, such claim amounts to misuse and abuse of DDW discretion, a case of regulatory overreach. When DDW enforces permit conditions that it cannot substantiate or qualify under established regulations, the action would amount to engaging in underground regulation which is prohibited by statute per the Administrative Procedures Act, Government Code Section 11340 et seq.

Based on these issues, it is important for the AE members to discuss the contents of the attached follow-up letter and discuss a potential recommendation of the Board to send the letter to DDW requesting their management to emphasize to the Hollywood District office the need to focus regulatory actions on matters that are set forth in the applicable regulations and cease imposing requirements that exceed the scope of the regulations.

Attachments:

1. *Draft* SEWC Follow-Up Letter to DDW – Hollywood District



December __, 2024

VIA E-MAIL AND FIRST CLASS MAIL

Sean F. McCarthy, P.E.
Assistant Deputy Director
Southern California Field Operations Branch
State Water Resources Control Board
Division of Drinking Water
Sean.McCarthy@waterboards.ca.gov

Re: Division of Drinking Water – Hollywood Branch Issues

Dear Mr. McCarthy:

This letter is being submitted on behalf of the Southeast Water Coalition (“SEWC”), a joint powers authority consisting of eleven cities situated in southeast Los Angeles County.¹ SEWC’s mission is to improve and protect the quantity and quality of the regional water supply.

This letter expresses SEWC’s continued concern with respect to regulatory overreach that is occurring at the Division of Drinking Water’s (“DDW”) Hollywood branch. As stated on the State Water Resources Control Board’s website, DDW is charged with regulating public water systems and ensuring that all Californians have access to safe drinking water. In that regard, DDW’s interests and SEWC’s members interests are aligned, as SEWC’s members strive to provide safe drinking water to their residents in fulfilling the mission stated above. DDW and SEWC’s members share that primary concern to ensure public health in connection with the supply of drinking water.

DDW carries out its duties in a variety of ways, including enforcing applicable drinking water regulations, primarily those specified in Title 22 of the California Code of Regulations. SEWC understands that important duty and appreciates DDW’s efforts in carrying out its duties. However, over the past several years, problems have arisen in several instances where DDW staff has gone beyond those regulations and imposed additional requirements that are not specified in the regulations. In imposing such additional requirements, DDW staff creates “underground regulations” that exceed the duly adopted regulations that have been properly vetted through the Administrative Procedures Act (the “APA,” Government Code Sections

¹ SEWC consists of the cities of Commerce, Cerritos, Downey, Lakewood, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, South Gate, Vernon and Whittier.



11340 et seq.). With respect to application of the APA, the Office of Administrative Law, the body that approves state regulations, states:

“If a state agency issues, utilizes, enforces, or attempts to enforce a rule without following the APA when it is required to, the rule is called an ‘underground regulation.’ State agencies are prohibited from enforcing underground regulations.”

The APA’s purpose is to give the public a chance to take part in the creation of state regulations. This public participation helps to ensure that regulations are clear, necessary and legally valid. The APA also provides a fair and independent way to resolve matters. When a state agency circumvents the APA by imposing “underground regulations,” it circumvents these safeguards and violates the due process rights of the persons and entities being regulated.

Furthermore, the water quality regulations set forth in Title 22 enable all water systems to review and understand their regulatory obligations. Those water systems are then able to take the specified regulations into account when making decisions concerning their operation. However, when requirements are added that exceed the scope of the adopted regulations, it creates uncertainty among water systems and requires research and analysis regarding what is truly applicable from a regulatory standpoint. A recent example of this is where a water system was informed it was required to have 24-hour in person staffing of its water treatment plant, which exceeded the regulation’s provisions that allow for SCADA monitoring without in person staffing. That water system was then required to engage in multiple communications with DDW staff to “prove its case” with respect to the fact that 24-hour in person was not required under the applicable regulation – something of which DDW staff should have been aware.

DDW staff on a number of occasions have claimed DDW has broad authority to impose permit conditions without specific citations to authority that supports such permit conditions. Under such asserted pretext, water systems have had to deal with numerous unnecessary requests because Hollywood District staff believed that it has unlimited authority to impose any permit conditions it sees fit, irrespective of costs, practicality or even necessity in protecting public health.

On November 5, 2024, DDW staff cited California Health and Safety Code section 116540 to a water system and reiterated its position that it has authority to “impose permit conditions, requirements for system improvements, technical, financial, or managerial requirements, and time schedules as **it deems necessary to ensure** a reliable and adequate **supply of water** at all times that is pure, wholesome, potable, and **does not endanger the health of consumers.**”



Certainly, Section 116540 can be read to provide broad authority to the State Water Board to impose permit conditions that are “necessary to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.” However, that authority cannot be interpreted as unlimited – otherwise, that statute would result in authority to effectively adopt the prohibited underground regulations discussed above. We believe the proper interpretation of Section 116540 is that the authority it provides must be limited to situations where a permit condition is truly necessary to avoid endangering the public health. Moreover, the burden should be on DDW, as the regulating entity, to provide justification for why such a permit condition is necessary and how it can protect the public health.

As you are aware, the Human Right to Water enacted in California provides “every human being has the right to safe, clean, affordable, and accessible water.” Water suppliers throughout the state strive to meet this standard, but the ability to provide affordable water is significantly impacted by regulatory burdens placed on water suppliers. Water suppliers understand the need to truly protect public health, but having unnecessary permit conditions placed on water suppliers, which do not result in material benefits to public health, places additional financial burdens on such suppliers. The Hollywood District staff continues to impose additional permit conditions without providing any evidence of their need or any historical support concerning prior violations which has led DDW to conclude those permit conditions were “**necessary**” in order “**to ensure supply of water does not endanger the health of consumers**” as specifically provided in Section 116540.

In addition, where a water system is providing water service in accordance with all regulatory requirements, including compliance with all drinking water standards, a claim that permit conditions are “necessary” to protect public health is not well-founded. That position undermines existing regulations and creates a scenario where the statutory authority of Section 116540 would swallow those regulations.

Put another way, if the water system continues to meet drinking water standards, then it does not endanger its public health. This would prove those permit conditions are not substantiated and are unwarranted and unnecessary. The reasonable reading of Section 116540 is that DDW must **provide evidence to justify the use of such provision** to protect public health, not by conclusory declarations from DDW staff that it deems the permit conditions necessary.

Furthermore, the claim those permit conditions are necessary undermines **public confidence and erodes public trust** by falsely asserting that without implementation of those unwarranted conditions, the water system would fail to meet standards and endanger public health. Without the evidence or history to support that contention, the assertion abuses DDW’s

Sean F. McCarthy, P.E.
State Water Resources Control Board
Division of Drinking Water
December __, 2024
Page 4



discretion and overreaches in applying applicable law, essentially creating an underground regulation, which is prohibited by statute.

Based on these issues, SEWC respectfully requests that you emphasize to the Hollywood branch the need to focus their regulatory actions on matters that are set forth in the applicable regulations and **cease imposing requirements that exceed the scope of the regulations**. SEWC would be happy to participate in any meetings among interested parties to further discuss these issues.

In closing, SEWC understands the need to protect public health by providing safe drinking water. Its members strive to do just that at the lowest cost possible. Having to consistently contest added requirements that exceed the stated regulations renders it unnecessarily more difficult and more expensive to fulfill those duties.

SEWC requests DDW's cooperation in re-examining its practice specifically within the Hollywood District office to eliminate any unnecessary permit requirements that continue to result in permit delays, increased costs and wastes of time on issues that should never have been raised in the first place. SEWC encourages you to explicitly prohibit any misuse of state law or regulation intentionally or otherwise and to discourage regulatory overreach intentionally or otherwise, that results in undermining public confidence and erodes public trust that SEWC's members work hard every day to build and maintain for their respective customers.

Finally, we encourage you to provide follow-up training so that DDW staff have a greater understanding of the regulations they are enforcing and most importantly, the limits of their authority and regulatory reach. SEWC sincerely hopes to avoid further potential legal or procedural escalation of these matters.

Please do not hesitate to contact me if you desire to further discuss this matter by phone at (626) 793-9400 or by e-mail at jciampa@lagerlof.com.

Very truly yours,

James D. Ciampa

JDC/cc

Sean F. McCarthy, P.E.
State Water Resources Control Board
Division of Drinking Water
December __, 2024
Page 5



cc: Ashley Dummer, P.E. – Southern California Section Chief
Southeast Water Coalition Board Members:
Ana Valencia – SEWC Chair - Council Member – City of Norwalk
Chuong Vo – SEWC Vice Chair - Mayor Pro Tem – City of Cerritos
Kevin Lainez – Council Member – City of Commerce
Mario Trujillo – Mayor – City of Downey
Todd Rogers – Mayor – City of Lakewood
Isabel Aguayo – Council Member – City of Paramount
Andrew C. Lara – Mayor – City of Pico Rivera
Joe Angel Zamora – Council Member – City of Santa Fe Springs
Maria del Pilar Avalos – Council Member – City of South Gate
Melissa Ybarra – Mayor Pro Tem – City of Vernon
Octavio Cesar Martinez – Council Member – City of Whittier



**SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
AGENDA REPORT**

Date: November 21, 2024
To: Southeast Water Coalition Administrative Entity
From: Glen Kau, AE Chair, City of Norwalk

Subject: LEGISLATIVE UPDATE ON BILLS RELEVANT TO SEWC

Recommendation: None/Receive and file.

Discussion:

The following was approved by the Governor on September 22, 2024:

- **AB 1827 (Papan D) Local government: fees and charges: water: high consumptive water parcels.** This bill outlines requirements for how local agencies can levy assessments and property-related fees, including public notice and approval by property owners or voters. The current law, Proposition 218, sets specific rules for compliance, allowing agencies that provide water, sewer, or waste services to adjust fees automatically for increases in wholesale costs or inflation. The law defines “water” as any system providing water supply, storage, or treatment. This bill would allow water fees to include higher costs related to factors like increased water usage on specific properties.

Attachments:

1. Assembly Bill AB 1827.



AB-1827 Local government: fees and charges: water: higher consumptive water parcels. (2023-2024)

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Date Published: 09/23/2024 09:00 PM

Assembly Bill No. 1827

CHAPTER 359

An act to add Section 53750.6 to the Government Code, relating to local government finance.

[Approved by Governor September 22, 2024. Filed with Secretary of State
September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1827, Papan. Local government: fees and charges: water: higher consumptive water parcels.

The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including requiring that the local agency provide public notice and a majority protest procedure in the case of assessments and submit property-related fees and charges for approval by property owners subject to the fee or charge or the electorate residing in the affected area following a public hearing.

Existing law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances. Existing law defines, among other terms, the term "water" for these purposes to mean any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source.

This bill would provide that the fees or charges for property-related water service imposed or increased, as specified, may include the incrementally higher costs of water service due to specified factors, including the higher water usage demand of parcels. The bill would provide that the incrementally higher costs of water service associated with higher water usage demands, the maximum potential water use, or projected peak water usage may be allocated using any method that reasonably assesses the water service provider's cost of serving those parcels that are increasing potential water usage demand, maximum potential water use, or projected peak water usage. The bill would declare that these provisions are declaratory of existing law.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53750.6 is added to the Government Code, to read:

53750.6. (a) The fees or charges for property-related water service imposed or increased pursuant to Section 6 of Article XIII D of the California Constitution may include the incrementally higher costs of water service due to any of the following:

- (1) The higher water usage demand of parcels.
- (2) The maximum potential water use.
- (3) Projected peak water usage.
- (4) Any combination of paragraphs (1) to (3), inclusive.

(b) (1) The incrementally higher costs of water service associated with higher water usage demands, the maximum potential water use, or projected peak water usage may be allocated using any method that reasonably assesses the water service provider's cost of serving those parcels that are increasing potential water usage demand, maximum potential water use, or projected peak water usage.

(2) In addition to any other method consistent with Section 6 of Article XIII D of the California Constitution, the incrementally higher costs of water service associated with higher water usage demand, maximum potential water use, or projected peak water usage may be allocated among customer classes, within customer classes, or both, based on meter size or peaking factors, as those methods reasonably assess the water service provider's cost of serving parcels that increase water usage demand, maximum potential water use, or projected peak water usage.

(c) This section is declaratory of existing law.