



**HUMBOLDT COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
REGULAR SCHEDULED MEETING**

**AGENDA**

**DATE:** Tuesday, August 22, 2023

**TIME:** 5:00 p.m.

**LOCATION:** 5055 Walnut Drive, Eureka, CA

This meeting will also be held by Zoom video/teleconference, per Government Code Section 54953(b)

*The HCSD Boardroom is open to the public during open session segment(s) of the meeting. This meeting will also be held by Zoom video/teleconference, per Government Code Section 54953(b). If members of the public cannot attend in person and would like to speak on an agenda item including Public Participation, please join through the Zoom website (<https://zoom.us>) entering Meeting ID 867 4479 5850 and Passcode 197244. Access may also be achieved via telephone only by dialing 1-669-900-9128.*

**A. ROLL CALL**

Directors Benzonelli, Gardiner, Hansen, Matteoli, Ryan

**B. PLEDGE OF ALLEGIANCE**

**C. CONSENT CALENDAR**

1. Approval of August 22, 2023 Agenda *Pgs 1-2*
2. Approval of Minutes of the Regular Meeting of August 8, 2023 *Pgs 3-6*

**D. REPORTS**

1. General Manager
  - a) District Update *Pg 7*
2. Superintendent
  - a) July 2023 Operations/Maintenance *Pg 9*
3. Finance Department
  - a) July 2023 Budget Report *Pgs 11-20*
4. Legal Counsel

5. Director Reports

6. Other

**E. PUBLIC PARTICIPATION \*\***

\*\*Members of the public will be given the opportunity to comment on items not on the agenda. Please use the information set forth above to participate via Zoom. The Board requests that speakers please state their name and where they are from, be clear, concise and limit their communications to 3 to 5 minutes. At the conclusion of all oral communications, the Board or staff may choose to briefly respond with information in response to comments; however, the Brown Act prohibits discussion of matters not on the published agenda. Matters requiring discussion, or action, will be placed on a future agenda.

**F. NEW BUSINESS**

1. Consideration of Cari McCormick FEHA Charge Pursuant to Government Code Section 12962(b) *Pgs 21-78*
2. Consideration of Contributing to Public Comment for Proposed Waste Discharge Requirements Order No. R1-2023-0019 for Nordic Aquafarms California, LLC *Pgs 79-84*
3. Consideration of Supporting Humboldt Bay Harbor Conservation and Recreation District Application for Federal Grant Funds for the Redwood Multipurpose Marine Terminal Redevelopment Project that Includes Development of a Heavy Lift Terminal to Support the Potential Offshore Wind Project *Pgs 85-87*

**G. OLD BUSINESS**

**H. ADJOURNMENT**

Next Res: 2023-12

Next Ord: 2023-02

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Brenda Franklin at (707) 443-4558, ext. 210. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102 – 35.104 ADA Title II).

Pursuant to §54957.5(a) of the California Government Code, any public record writings relating to an agenda item for an open session of a regular meeting of the Board of Directors, not otherwise exempt from public disclosure, are available for public inspection upon request at the District offices located at 5055 Walnut Drive, Monday through Friday (holidays excepted) during regular business hours.

DRAFT – MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
HUMBOLDT COMMUNITY SERVICES DISTRICT

The Board of Directors of the Humboldt Community Services District met in Regular Session at 5:00 p.m. on Tuesday, August 8, 2023, at 5055 Walnut Drive, Eureka, California with public participation available via Zoom tele/video conference.

Prior to the start of the meeting, Director Hansen requested the Board approve remote appearance and provided a general description of the emergency circumstances. Having determined Staff was not aware of the need for Director Hansen to attend remotely until after the agenda was posted, DIRECTOR GARDINER MOVED, DIRECTOR RYAN SECONDED, TO APPROVE DIRECTOR HANSEN'S REQUEST TO APPEAR REMOTELY DUE TO EMERGENCY CIRCUMSTANCES AND TO ADD THE MATTER TO THE AGENDA. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, GARDINER, MATTEOLI, RYAN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: HANSEN

**A. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 5:01 p.m. Present upon roll call were Directors Benzonelli, Gardiner, Hansen, Matteoli, and Ryan. Staff in attendance: General Manager Williams (GM), Superintendent Latham, and Finance Manager Montag (FM).

**B. PLEDGE OF ALLEGIANCE**

President Benzonelli invited those present to join in the Pledge of Allegiance.

**C. CONSENT CALENDAR**

1. Approval of the July 25, 2023 Agenda
2. Approval of Minutes of the Regular Meeting of July 11, 2023

Public Comment: None

DIRECTOR MATTEOLI MOVED, DIRECTOR GARDINER SECONDED, TO ACCEPT AND APPROVE THE AUGUST 8, 2023 CONSENT CALENDAR WITH AN AGENDA ADDITION OF THE EMERGENCY CIRCUMSTANCES NOTICE FOR DIRECTOR HANSEN'S REMOTE PARTICIPATION. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, GARDINER, HANSEN, MATTEOLI, RYAN  
NOES: NONE  
ABSENT: NONE

## **D. REPORTS**

### 1. General Manager

#### a) District Update

- Mandatory Conservation in Redway – Redway CSD issued a stage two mandatory water conservation declaration on Friday, July 28. Although the District and other nearby communities have a significant surplus of water, neighboring communities within Humboldt County are experiencing severe water shortages.
- Local Hazard Mitigation Plan (LHMP) – In order to remain eligible for FEMA grant funding, every five years the County of Humboldt updates its LHMP and each participating agency (planning partners) submits a commitment letter to participate in the County wide Hazard Mitigation Planning process. The actual update process will begin in 2024 with many public informational forums as well as presentations to the HCSD Board.

### 2. Superintendent

#### 1. July 2023 Construction Operations

Superintendent reviewed the numerous service line replacements, repairs to water mains, replacements of angle meter stops and pressure reducing valves, repairs to meters, installation of new water services and hot asphalt paving in various areas. The Construction staff also attended a Defensive Driving Class.

Superintendent then elaborated upon the two sewer overflow events on July 1 and July 12 affirming all required notification and reporting requirements were completed. For the July 1 event, discussion focused on quick response time by staff and outside emergency assistance (City of Eureka and Wahlund Construction) as well as the failure of the 50-year-old AC pipe buried 9 feet deep within 2-inches of a gravity sewer line just below and an adjacent water main both of which complicated the repairs. The July 12 incident was minimal and caused by an on-site City of Eureka contractor who accidentally dropped concrete chunks down an inline sewer cleanout.

### 3. Finance Department

#### a) July 2023 Check Register

Without question, FM advised July was a standard expense month with the exception of the quarterly payment for workers' compensation insurance.

## **E. PUBLIC PARTICIPATION**

California Special District Association (CSDA) North Public Affairs Field Coordinator, Chris Norden provided the Board a synopsis of membership benefits with CSDA. The Board expressed interest in learning more specifics about credit card services, low interest capital improvement loans, training opportunities, and membership fees.

## **F. NEW BUSINESS**

1. Consideration of Voting for ACWA President, Vice-President, and Region 1 Board Elections for the 2024-25 Term

GM reviewed the ACWA Election Committee recommendations and summarized the candidates for each position. After acknowledging ACWA's significant focus on California water issues, that several candidates represent Sonoma County/Russian River interests, discussion ensued emphasizing the necessity to protect Humboldt County water supplies.

IT WAS THEN MOVED BY DIRECTOR GARDINER, SECONDED BY DIRECTOR MATTEOLI, TO ACCEPT THE RECOMMENDED SLATE FOR THE POSITIONS SPECIFIED AND AUTHORIZE THE GM TO SUBMIT THE OFFICIAL BALLOT. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, GARDINER, HANSEN, MATTEOLI, RYAN  
NOES: NONE  
ABSENT: NONE

## **G. OLD BUSINESS**

1. Consideration of Adopting Ordinance 2023-01 Modifying District Code Section 7.02.010 Water Capacity Charges and 7.05.010 Sewer Capacity Charges; Second Reading and Public Hearing

GM reviewed the necessity to adopt an update to the District Code in order to maintain compliance with recently defined language adopted by the State as well as clarifying methodology related to shifting from solely utilizing meter size when calculating demand to a Water Supply Fixture Unit Count based on the Uniform Plumbing Code.

PUBLIC HEARING: Director Benzonelli opened the Public Hearing at 5:42 p.m. There being no public present, the Public Hearing closed at 5:43.

DRAFT – MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
HUMBOLDT COMMUNITY SERVICES DISTRICT  
AUGUST 8, 2023

IT WAS THEN MOVED BY DIRECTOR RYAN, SECONDED BY DIRECTOR HANSEN, TO ADOPT ORDINANCE 2023-01 MODIFYING DISTRICT CODE SECTIONS 7.02.010 AND 7.05.010. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, GARDINER, HANSEN, MATTEOLI, RYAN  
NOES: NONE  
ABSENT: NONE

**H. ADJOURNMENT**

There being no further business, IT WAS MOVED BY DIRECTOR GARDINER, SECONDED BY DIRECTOR MATTEOLI, TO ADJOURN. MOTION CARRIED UPON THE FOLLOWING ROLL CALL VOTE:

AYES: BENZONELLI, GARDINER, HANSEN, MATTEOLI, RYAN  
NOES: NONE  
ABSENT: NONE

THE BOARD ADJOURNED ITS REGULAR MEETING OF AUGUST 8, 2023 AT 5:44 P.M.

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Submitted, Board Secretary

# Humboldt Community Services District

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*Dedicated to providing high quality, cost effective water and sewer service for our customers*

## MEMORANDUM

TO: Board of Directors  
FROM: Terrence Williams, General Manager  
DATE: August 18, 2023  
SUBJECT: General Manager Report for August 22, 2023 Board Meeting

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### **Lightning and Fires and Hurricanes, oh my**

Last week, Humboldt, Del Norte, Trinity, Siskiyou and Mendocino Counties experienced dry conditions and thunderstorms. These storms brought lightning strikes that resulted in well over 20 separate fires. Significant fires include the Smith River Complex which is burning over 7,300 acres and has caused property damage around Gasquet, CA and has closed Highway 199. The Klamath Forest Lightning Complex is burning over 4,000 acres near Happy Camp and has zero percent containment. The Lone Pine Fire, burning between Willow Creek and Hoopa Valley, is over 500 acres and is only 5% contained. CalFire is staging at Redwood Acres and the District is providing water and sewer services at Redwood Acres to support the firefighting efforts. The water, which is being used for cooking, cleaning, sanitation and vehicle washdown, is being metered through a dedicated meter set specifically for these temporary activities.

Hurricane Hillary is currently churning off the Pacific coast of Mexico, somewhere between Cabo San Lucas and Acapulco. Hillary is predicted to move north and make landfall over the weekend. This storm system is expected to cause flooding and severe weather in the south west United States including southern California. By Tuesday next week, the system is expected to be over northern California and southern Oregon. The good news is that, as the system moves north, the storm energy is expected to dissipate meaning that the severity will be reduced but that much needed moisture should precipitate over the previously mentioned fires.

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# Humboldt Community Services District

*Dedicated to providing high quality, cost effective water and sewer service to our customers*

## **BOARD MEMORANDUM**

To: H.C.S.D. Board of Directors  
From: Tim Latham, District Superintendent  
Date: August 17, 2023  
Subject: July 2023 Operations/Maintenance Report

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The Operations/Maintenance Department was busy in July with a variety of projects. In addition to the standard operation and maintenance of District facilities, crews continued to do station maintenance and assisted with customer service. All of the stationary and portable generators were tested in order to ensure proper operation in the time of need.

General business included cleaning and filming 350 feet of sewer main line in the Pine Hill area, servicing Flygt sewer pumps at multiple sewer lift stations, continued work related to the Blackberry Street SLS Rehabilitation Project, removing existing electrical panels on the Brier Lane tank for the tank rehabilitation project, continued preparations for several Capital Improvement Projects (CIP) projects, and responding to a power outage at the Blue Spruce water booster station.

Other business included attending a Joint Powers Insurance Authority (JPIA) instructor lead Defensive Driving class, completion of the JPIA inspection, and the completion of the annual cathodic protection system inspection on all water storage tanks.

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**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**FOR ENTIRE DISTRICT**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	% Variance	Note
<b>OPERATING REVENUE</b>							
Metered Water Sales	5,876,000	457,158	457,158	489,667	(32,508)	(6.6)	
Water Charges - Pass Through	-	-	-	-	-	-	
Sewer Service Charges	8,057,944	426,370	426,370	671,495	(245,126)	(36.5)	1
Sewer Service Charges - Pass Through	-	124,798	124,798	-	124,798	-	1
Water & Sewer Construction Fees	47,000	10,926	10,926	3,917	7,009	178.9	
Account Fees	35,000	5,209	5,209	2,917	2,292	78.6	
Reimbursable Maintenance Fees	1,000	-	-	83	(83)	(100.0)	2
Miscellaneous	2,000	-	-	167	(167)	(100.0)	2
<b>TOTAL OPERATING REVENUE</b>	<b>14,018,944</b>	<b>1,024,611</b>	<b>1,024,611</b>	<b>1,168,245</b>	<b>(143,635)</b>	<b>(12.3)</b>	
<b>NON-OPERATING REVENUE</b>							
Capital Connection Fees	384,000	42,257	42,257	32,000	10,257	32.1	2
Interest/General	30,000	-	-	2,500	(2,500)	(100.0)	2
Discounts Earned	2,000	110	110	167	(57)	(34.2)	2
Sales: Fixed Assets/Scrap Metal	15,700	-	-	1,308	(1,308)	(100.0)	2
Bad Debt Recovery	2,000	-	-	167	(167)	(100.0)	2
Property Taxes & Assessments	430,000	-	-	35,833	(35,833)	(100.0)	2
Insurance Rebate	-	-	-	-	-	-	2
Other Non-Operating Revenue	-	-	-	-	-	-	
<b>TOTAL NON-OPERATING REVENUE</b>	<b>863,700</b>	<b>42,366</b>	<b>42,366</b>	<b>71,975</b>	<b>(29,609)</b>	<b>(41.1)</b>	2
<b>TOTAL DISTRICT REVENUE</b>	<b>14,882,644</b>	<b>1,066,977</b>	<b>1,066,977</b>	<b>1,240,220</b>	<b>(173,244)</b>	<b>(14.0)</b>	
<b>OPERATING EXPENSES</b>							
Wages Direct	2,000,000	141,471	141,471	166,667	25,196	15.1	
Benefits: PERS	515,000	40,061	40,061	42,917	2,856	6.7	
Group Ins	1,320,000	73,801	73,801	110,000	36,199	32.9	
Workers Comp Ins	27,500	-	-	2,292	2,292	100.0	
FICA/Medicare	155,000	10,984	10,984	12,917	1,932	15.0	
Misc Benefits	500	40	40	42	2	4.0	
<b>Total Wages and Benefits</b>	<b>4,018,000</b>	<b>266,357</b>	<b>266,357</b>	<b>334,833</b>	<b>68,476</b>	<b>20.5</b>	
Less: wages & ben charged to Capital Proj.	(300,000)	(8,918)	(8,918)	(25,000)	(16,082)	64.3	
<b>Total Operating Wages and benefits</b>	<b>3,718,000</b>	<b>257,440</b>	<b>257,440</b>	<b>309,833</b>	<b>52,394</b>		
Water Purchase HBMWD	1,108,192	92,934	92,934	92,349	(585)	(0.6)	
Water Purchase Eureka	880,000	56,635	56,635	73,333	16,698	22.8	
Sewage Treatment Operations & Maint.	1,758,385	146,532	146,532	146,532	0	0.0	
Water/Sewer Analysis	15,000	-	-	1,250	1,250	100.0	
Supplies/ Construction	154,000	8,751	8,751	12,833	4,082	31.8	
Supplies/ Office-Administration	15,000	1,101	1,101	1,250	149	11.9	
Supplies/ Engineering	2,500	-	-	208	208	100.0	
Supplies/ Maintenance	100,000	22,321	22,321	8,333	(13,988)	(167.9)	3
Invoicing	57,000	-	-	4,750	4,750	100.0	
Temporary Labor	64,800	18,197	18,197	5,400	(12,797)	(237.0)	4
Repairs & Maintenance/Trucks	60,500	2,122	2,122	5,042	2,920	57.9	
Equipment Rental	5,000	-	-	417	417	100.0	
Building & Grounds Maintenance	30,000	2,006	2,006	2,500	494	19.8	
Electrical Power	498,150	33,821	33,821	41,513	7,691	18.5	
Street Lights	100,000	2,369	2,369	8,333	5,964	71.6	
Telephone	14,000	989	989	1,167	178	15.3	
Postage	3,000	-	-	250	250	100.0	
Freight	500	141	141	42	(100)	(238.9)	
Chemicals	10,000	2,246	2,246	833	(1,413)	(169.6)	
Liability Insurance	85,000	35,841	35,841	7,083	(28,758)	(406.0)	5

**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**FOR ENTIRE DISTRICT**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	% Variance	Note
Legal	70,000	192	192	5,833	5,641	96.7	
Accounting	15,000	250	250	1,250	1,000	80.0	
Engineering	1,000	-	-	83	83	100.0	8
Other Professional Services	130,000	-	-	10,833	10,833	100.0	
Bank Service Charges	20,000	621	621	1,667	1,046	62.8	
Transportation	78,555	4,214	4,214	6,546	2,333	35.6	
Office Equip. Maintenance	5,000	241	241	417	175	42.1	
Computer Software Maintenance	45,000	26,182	26,182	3,750	(22,432)	(598.2)	
Memberships & Subscriptions	24,600	-	-	2,050	2,050	100.0	
Bad Debts & Minimum Balance Writeoff	50,000	-	-	4,167	4,167	100.0	
Conference & Continuing Ed	34,500	1,235	1,235	2,875	1,640	57.0	
Certifications	3,500	100	100	292	192	65.7	
State/County & LAFCO Fees and Charges	40,000	-	-	3,333	3,333	100.0	
Hydraulic Water Model Maintenance	2,000	-	-	167	167	100.0	
Elections Expense	-	-	-	-	-	-	
Human Resources	25,000	2,361	2,361	2,083	(278)	(13.3)	
Miscellaneous	12,000	113	113	1,000	887	88.7	
Director's Fees	16,000	1,050	1,050	1,333	283	21.3	
<b>TOTAL OPERATING EXPENSES</b>	<b>9,251,182</b>	<b>720,006</b>	<b>720,006</b>	<b>770,932</b>	<b>50,926</b>	<b>6.6</b>	
<b>LONG TERM DEBT PAYMENTS</b>							
Safe Drinking Water Bond	177,429	-	-	14,786	14,786	100.0	6
2012 CIP & Refi.	177,600	88,800	88,800	14,800	(74,000)	(500.0)	6
Davis-Grunsky Loan	6,050	-	-	504	504	100.0	6
VacCon Truck Loan	117,441	117,441	117,441	9,787	(107,654)	(1,100.0)	6
2014 Wastewater Revenue Bonds	485,575	-	-	40,465	40,465	100.0	6
<b>TOTAL LONG TERM DEBT PAYMENTS</b>	<b>964,095</b>	<b>206,241</b>	<b>206,241</b>	<b>80,341</b>	<b>(125,900)</b>	<b>(156.7)</b>	<b>6</b>
<b>CAPITALIZED EXPENDITURES</b>							
Vehicles, Rolling Stock & Equipment	450,000	-	-	37,500	37,500	100.0	7
Building, Yard & Paving Improvements	92,500	28,539	28,539	7,708	(20,831)	(270.2)	7
Capital Improvements Water	2,021,360	45,406	45,406	168,447	123,041	73.0	7
Capital Improvements Sewer	1,443,000	2,130	2,130	120,250	118,120	98.2	7
Engineering & Studies	110,000	-	-	9,167	9,167	100.0	8
District Design Standards	-	-	-	-	-	-	
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>4,116,860</b>	<b>76,075</b>	<b>76,075</b>	<b>343,072</b>	<b>266,997</b>	<b>77.8</b>	<b>7</b>
<b>OTHER</b>							
City of Eureka Projects: Treatment Plant	433,029	-	-	36,086	36,086	100.0	8
<b>TOTAL City of Eureka Projects</b>	<b>433,029</b>	<b>-</b>	<b>-</b>	<b>36,086</b>	<b>36,086</b>	<b>100.0</b>	
Interfund Transfers In	-	-	-	-	-	-	
Interfund Transfers Out	-	-	-	-	-	-	
<b>BUDGET SURPLUS (DEFICIT)</b>	<b>117,478</b>	<b>64,655</b>	<b>64,655</b>	<b>9,790</b>	<b>54,865</b>	<b>(560.4)</b>	

**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**SUMMARY BUDGETARY STATEMENT OF REVENUE AND EXPENSES**  
**FOR ENTIRE DISTRICT**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to Date	Y.T.D. Variance Actual to Budget	%
						Variance
<b>OPERATING REVENUE &amp; EXPENSES</b>						
TOTAL OPERATING REVENUE	14,018,944	1,024,611	1,024,611	1,168,245	(143,635)	(12.3)
TOTAL OPERATING EXPENSES	(9,251,182)	(720,006)	(720,006)	(770,932)	50,926	6.6
NET SURPLUS/(DEFICIT) FROM OPERATIONS	<u>4,767,762</u>	<u>304,605</u>	<u>304,605</u>	<u>397,314</u>	<u>(92,708)</u>	<u>(23.3)</u>
<b>NON-OPERATING REVENUE &amp; EXPENSES</b>						
TOTAL NON-OPERATING REVENUE	863,700	42,366	42,366	71,975	(29,609)	(41.1)
TOTAL LONG TERM DEBT SERVICE	(964,095)	(206,241)	(206,241)	(80,341)	(125,900)	(156.7)
SURPLUS/(DEFICIT) BEFORE CAPITAL EXPENDITURES	<u>4,667,367</u>	<u>140,730</u>	<u>140,730</u>	<u>388,947</u>	<u>3,582</u>	<u>0.9</u>
HCSD CAPITAL IMPROVEMENT EXPENDITURES	(4,116,860)	(76,075)	(76,075)	(343,072)	266,997	77.8
CITY of EUREKA PROJECT REIMBURSEMENT	(433,029)	-	-	(36,086)	36,086	100.0
NEW DEBT ISSUE						
NET INTERFUND TRANSFERS IN/OUT		-	-			
BUDGET SURPLUS (DEFICIT)	<u>117,478</u>	<u>64,655</u>	<u>64,655</u>	<u>9,790</u>	<u>54,865</u>	<u>(560.4)</u>

**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**Water Fund**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	% Variance
<b>OPERATING REVENUE</b>						
Metered Water Sales	5,876,000	457,158	457,158	489,667	(32,508)	(6.6)
Water Pass Through	-	-	-	-	-	-
Water Construction Fees	35,000	6,103	6,103	2,917	3,186	109.2
Account Fees	19,950	2,969	2,969	1,663	1,306	78.6
Inspection Fees	-	-	-	-	-	-
Reimbursable Maintenance Fees	800	-	-	67	(67)	(100.0)
Miscellaneous	1,000	-	-	83	(83)	(100.0)
<b>TOTAL OPERATING REVENUE</b>	<b>5,932,750</b>	<b>466,230</b>	<b>466,230</b>	<b>494,396</b>	<b>(28,165)</b>	<b>(5.7)</b>
<b>NON-OPERATING REVENUE</b>						
Water Capital Connection Fees	145,000	27,405	27,405	12,083	15,322	126.8
Interest/General	23,547	-	-	1,962	(1,962)	(100.0)
Discounts Earned	1,280	62	62	107	(44)	(41.4)
Sales:Fixed Assets/Scrap Metal	8,844	-	-	737	(737)	(100.0)
Bad Debt Recovery	1,140	-	-	95	(95)	(100.0)
FW/MR Assessment	-	-	-	-	-	-
Other Non-Operating Revenue	-	-	-	-	-	-
<b>TOTAL NON-OPERATING REVENUE</b>	<b>179,811</b>	<b>27,467</b>	<b>27,467</b>	<b>14,984</b>	<b>12,483</b>	<b>83.3</b>
<b>TOTAL DISTRICT REVENUE</b>	<b>6,112,561</b>	<b>493,698</b>	<b>493,698</b>	<b>509,380</b>	<b>(15,682)</b>	<b>(3.1)</b>
<b>OPERATING EXPENSES</b>						
Wages Direct	940,000	62,822	62,822	78,333	15,511	19.8
Wages & Benefits: Allocated	670,438	46,237	46,237	55,870	9,632	17.2
Benefits: PERS	185,400	7,972	7,972	15,450	7,478	48.4
Group Ins	409,200	23,051	23,051	34,100	11,049	32.4
Workers Comp Ins	14,850	-	-	1,238	1,238	100.0
FICA/Medicare	72,850	4,851	4,851	6,071	1,220	20.1
Misc Benefits	-	-	-	-	-	-
<b>Total Wages and Benefits</b>	<b>2,292,738</b>	<b>144,934</b>	<b>144,934</b>	<b>191,061</b>	<b>46,127</b>	<b>24.1</b>
Less: wages & ben charged to Capital Proj.	(185,000)	(1,485)	(1,485)	(15,417)	(13,932)	90.4
<b>Total Operating Wages and benefits</b>	<b>2,107,738</b>	<b>143,449</b>	<b>143,449</b>	<b>175,645</b>	<b>32,195</b>	<b>18.3</b>
Water Purchase HBMWD	1,108,192	92,934	92,934	92,349	(585)	(0.6)
Water Purchase Eureka	880,000	56,635	56,635	73,333	16,698	22.8
Water Analysis	15,000	-	-	1,250	1,250	100.0
Supplies/ Construction	113,960	6,575	6,575	9,497	2,922	30.8
Supplies/Office-Administration	4,500	409	409	375	(34)	(9.0)
Supplies/ Engineering	1,425	-	-	119	119	100.0
Supplies/ Maintenance	50,000	10,502	10,502	4,167	(6,336)	(152.1)
Temporary Labor	29,484	10,372	10,372	2,457	(7,915)	(322.1)
Repairs & Maintenance/Trucks	33,880	1,209	1,209	2,823	1,614	57.2
Equipment Rental	3,700	-	-	308	308	100.0
Building & Grounds Maintenance	1,800	348	348	150	(198)	(131.7)
Electrical Power	273,983	20,274	20,274	22,832	2,558	11.2
Telephone	4,480	-	-	373	373	100.0
Postage	1,290	-	-	108	108	100.0
Freight	285	-	-	24	24	100.0
Chemicals	10,000	2,246	2,246	833	(1,413)	(169.6)
Engineering	390	-	-	33	33	100.0
Other Professional Services	34,000	-	-	2,833	2,833	100.0
Transportation	44,776	2,402	2,402	3,731	1,330	35.6
Office Equip. Maintenance	750	-	-	63	63	100.0
Computer Software Maintenance	21,600	14,856	14,856	1,800	(13,056)	(725.4)
Memberships & Subscriptions	1,476	-	-	123	123	100.0
Bad Debts & Minimum Balance Writeoff	28,500	-	-	2,375	2,375	100.0
Conference & Continuing Ed	12,075	704	704	1,006	302	30.0
Certifications	1,050	57	57	88	31	34.9
State/County & LAFCO Fees and Charges	13,600	-	-	1,133	1,133	100.0
Hydraulic Water Model Maintenance	2,000	-	-	167	167	100.0

**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**Water Fund**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	%
Human Resources	9,750	-	-	813	813	100.0
Miscellaneous	2,640	-	-	220	220	100.0
General & Admin Expense Allocation	286,811	25,613	25,613	23,901	(1,712)	(7.2)
<b>TOTAL OPERATING EXPENSES</b>	<b>5,099,134</b>	<b>388,587</b>	<b>388,587</b>	<b>424,928</b>	<b>36,341</b>	<b>8.6</b>
<b>LONG TERM DEBT PAYMENTS</b>						
Safe Drinking Water Bond	177,429	-	-	14,786	14,786	100.0
2012 CIP & Refi.	-	-	-	-	-	-
Davis-Grunsky Loan	6,050	-	-	504	504	100.0
<b>TOTAL LONG TERM DEBT PAYMENTS</b>	<b>183,479</b>	<b>-</b>	<b>-</b>	<b>15,290</b>	<b>15,290</b>	<b>100.0</b>
<b>CAPITALIZED EXPENDITURES</b>						
Vehicles/Rolling Stock/Capital Equipment	-	-	-	-	-	-
Building & Yard Improvements	-	-	-	-	-	-
Capital Improvements Water	2,021,360	45,406	45,406	168,447	123,041	73.0
Engineering & Studies	-	-	-	-	-	-
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>2,021,360</b>	<b>45,406</b>	<b>45,406</b>	<b>168,447</b>	<b>123,041</b>	<b>73.0</b>
INTERFUND TRANSFERS IN	-	-	-	-	-	
<b>BUDGET SURPLUS (DEFICIT)</b>	<b>(1,191,412)</b>	<b>59,705</b>	<b>59,705</b>	<b>(99,284)</b>	<b>158,990</b>	<b>160.1</b>

**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**Sewer Fund**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	% Variance
<b>OPERATING REVENUE</b>						
Sewer Service Charges	8,057,944	426,370	426,370	671,495	(245,126)	(36.5)
Sewer Service Charges - Pass Through	-	124,798	124,798	-	124,798	-
Sewer Construction Fees	12,000	4,823	4,823	1,000	3,823	382.3
Account Fees	15,050	2,240	2,240	1,254	986	78.6
Inspection Fees	-	150	150	-	150	-
Reimbursable Maintenance Fees	200	-	-	17	(17)	(100.0)
Miscellaneous	1,000	-	-	83	(83)	(100.0)
<b>TOTAL OPERATING REVENUE</b>	<b>8,086,194</b>	<b>558,380</b>	<b>558,380</b>	<b>673,850</b>	<b>(115,469)</b>	<b>(17.1)</b>
<b>NON-OPERATING REVENUE</b>						
Sewer Capital Connection Fees	239,000	14,852	14,852	19,917	(5,065)	(25.4)
Interest/General	6,453	-	-	538	(538)	(100.0)
Discounts Earned	720	47	47	60	(13)	(21.4)
Sales:Fixed Assets/Scrap Metal	6,856	-	-	571	(571)	(100.0)
Bad Debt Recovery	860	-	-	72	(72)	(100.0)
Other Non-Operating Revenue	-	-	-	-	-	-
<b>TOTAL NON-OPERATING REVENUE</b>	<b>253,889</b>	<b>14,899</b>	<b>14,899</b>	<b>21,157</b>	<b>(6,259)</b>	<b>(29.6)</b>
<b>TOTAL DISTRICT REVENUE</b>	<b>8,340,083</b>	<b>573,279</b>	<b>573,279</b>	<b>695,007</b>	<b>(121,728)</b>	<b>(17.5)</b>
<b>OPERATING EXPENSES</b>						
Wages Direct	580,000	43,692	43,692	48,333	4,642	9.6
Wages & Benefits: Allocated	670,438	46,237	46,237	55,870	9,632	17.2
Benefits: PERS	118,450	5,052	5,052	9,871	4,819	48.8
Group Ins	250,800	17,489	17,489	20,900	3,411	16.3
Workers Comp Ins	9,075	-	-	756	756	100.0
FICA/Medicare	46,500	3,378	3,378	3,875	497	12.8
Misc Benefits	-	-	-	-	-	-
<b>Total Wages and Benefits</b>	<b>1,675,263</b>	<b>115,848</b>	<b>115,848</b>	<b>139,605</b>	<b>23,757</b>	<b>17.0</b>
Less: wages & ben charged to Capital Proj.	(65,000)	(1,858)	(1,858)	(5,417)	(3,559)	65.7
<b>Total Operating Wages and benefits</b>	<b>1,610,263</b>	<b>113,990</b>	<b>113,990</b>	<b>134,189</b>	<b>20,198</b>	<b>15.1</b>
Sewage Treatment: Operating & Maint.	1,758,385	146,532	146,532	146,532	0	0.0
Sewer Analysis	-	-	-	-	-	-
Supplies/ Construction	40,040	2,176	2,176	3,337	1,160	34.8
Supplies/ Office-Administration	4,500	308	308	375	67	17.8
Supplies/ Engineering	1,075	-	-	90	90	100.0
Supplies/ Maintenance	50,000	11,819	11,819	4,167	(7,652)	(183.6)
Temporary Labor	19,116	7,825	7,825	1,593	(6,232)	(391.2)
Repairs & Maintenance/Trucks	26,620	912	912	2,218	1,306	58.9
Equipment Rental	1,300	-	-	108	108	100.0
Building & Grounds Maintenance	1,500	262	262	125	(137)	(109.7)
Electrical Power	119,556	6,018	6,018	9,963	3,945	39.6
Telephone	2,240	-	-	187	187	100.0
Postage	960	-	-	80	80	100.0
Freight	215	-	-	18	18	100.0
Legal	-	-	-	-	-	-
Engineering	100	-	-	8	8	100.0
Other Professional Services	24,000	-	-	2,000	2,000	100.0
Transportation	33,779	1,812	1,812	2,815	1,003	35.6
Office Equip. Maintenance	550	-	-	46	46	100.0



**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**Sewer Fund**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	% Variance
Computer Software Maintenance	16,200	11,207	11,207	1,350	(9,857)	(730.2)
Memberships & Subscriptions	984	-	-	82	82	100.0
Bad Debts & Minimum Balance Writeoff	21,500	-	-	1,792	1,792	100.0
Conference & Continuing Ed	15,180	531	531	1,265	734	58.0
Certifications	805	43	43	67	24	35.9
State/County & LAFCO Fees and Charges	7,200	-	-	600	600	100.0
Human Resources	7,250	-	-	604	604	100.0
Miscellaneous	1,920	-	-	160	160	100.0
General & Admin Expense Allocation	286,811	25,613	25,613	23,901	(1,712)	(7.2)
<b>TOTAL OPERATING EXPENSES</b>	<b>4,052,048</b>	<b>329,050</b>	<b>329,050</b>	<b>337,671</b>	<b>8,621</b>	<b>2.6</b>
<b>LONG TERM DEBT PAYMENTS</b>						
2014 Wastewater Revenue Bonds	484,575	-	-	40,381	40,381	100.0
2012 CIP & Refi.	177,600	-	-	14,800	14,800	100.0
VacCon Truck Loan	117,441	117,441	117,441	9,787	(107,654)	(1,100.0)
Debt Service: Allocated	-	-	-	-	-	-
<b>TOTAL LONG TERM DEBT PAYMENTS</b>	<b>779,616</b>	<b>117,441</b>	<b>117,441</b>	<b>64,968</b>	<b>(52,473)</b>	<b>(80.8)</b>
<b>CAPITALIZED EXPENDITURES</b>						
Vehicles/Rolling Stock/Capital Equipment	450,000	-	-	37,500	37,500	100.0
Building, Yard& Paving Improvements	-	-	-	-	-	-
Capital Improvements Sewer	1,443,000	2,130	2,130	120,250	118,120	98.2
Engineering & Studies	-	-	-	-	-	-
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>1,893,000</b>	<b>2,130</b>	<b>2,130</b>	<b>157,750</b>	<b>155,620</b>	<b>98.6</b>
<b>OTHER</b>						
City of Eureka Projects:						
Treatment Plant	433,029	-	-	36,086	36,086	100.0
Martin Slough	-	-	-	-	-	-
<b>TOTAL OTHER</b>	<b>433,029</b>	<b>-</b>	<b>-</b>	<b>36,086</b>	<b>36,086</b>	<b>100.0</b>
<b>BUDGET SURPLUS (DEFICIT)</b>	<b>1,182,390</b>	<b>124,658</b>	<b>124,658</b>	<b>98,533</b>	<b>26,126</b>	<b>(26.5)</b>

**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**General Fund**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	% Variance
<b>OPERATING REVENUE</b>						
Interest (will be allocated to w/s @ y/e)	-	-	-	-	-	-
Miscellaneous	-	-	-	-	-	-
<b>TOTAL OPERATING REVENUE</b>	-	-	-	-	-	-
<b>NON-OPERATING REVENUE</b>						
Property Taxes	430,000	-	-	35,833	(35,833)	(100.0)
Insurance Rebate	-	-	-	-	-	-
Miscellaneous Income	-	-	-	-	-	-
<b>TOTAL NON-OPERATING REVENUE</b>	430,000	-	-	35,833	(35,833)	(100.0)
<b>TOTAL DISTRICT REVENUE</b>	430,000	-	-	35,833	(35,833)	(100.0)
<b>OPERATING EXPENSES</b>						
Wages Direct	480,000	34,957	34,957	40,000	5,043	12.6
Benefits: PERS	211,150	27,037	27,037	17,596	(9,441)	(53.7)
Group Ins	660,000	33,261	33,261	55,000	21,739	39.5
Workers Comp Ins	3,575	-	-	298	298	100.0
FICA/Medicare	35,650	2,755	2,755	2,971	216	7.3
Misc Benefits	500	40	40	42	2	4.0
Total Wages and Benefits	1,390,875	98,050	98,050	115,906	17,857	15.4
Less: wages & ben charged to Capital Proj.	(50,000)	(5,575)	(5,575)	(4,167)	1,408	(33.8)
Less: Allocated to Water and Sewer Funds	(1,340,875)	(92,475)	(92,475)	(111,740)	(19,265)	17.2
Total Unallocated Wages and Benefits	-	-	-	-	-	-
Supplies/ Construction	-	-	-	-	-	-
Supplies/ Administration	6,000	384	384	500	116	23.2
Supplies/ Engineering	-	-	-	-	-	-
Supplies/ Maintenance	-	-	-	-	-	-
Invoicing	57,000	-	-	4,750	4,750	100.0
Web Payment Portal	-	-	-	-	-	-
Temporary Labor	16,200	-	-	1,350	1,350	100.0
Repairs & Maintenance/Trucks	-	-	-	-	-	-
Equipment Rental	-	-	-	-	-	-
Building & Grounds Maintenance	26,700	1,396	1,396	2,225	829	37.2
Electrical Power	104,612	7,529	7,529	8,718	1,189	13.6
Street Lights	100,000	2,369	2,369	8,333	5,964	71.6
Telephone	7,280	989	989	607	(382)	(63.0)
Postage	750	-	-	63	63	100.0
Freight	-	141	141	-	(141)	-
Liability Insurance	85,000	35,841	35,841	7,083	(28,758)	(406.0)
Legal Services	70,000	192	192	5,833	5,641	96.7
Accounting	15,000	250	250	1,250	1,000	80.0
Engineering	510	-	-	43	43	100.0
Other Professional Services	72,000	-	-	6,000	6,000	100.0
Bank Service Charges	20,000	621	621	1,667	1,046	62.8
Transportation	-	-	-	-	-	-
Office Equip. Maintenance	3,700	241	241	308	67	21.7
Computer Software Maintenance	7,200	118	118	600	482	80.3
Memberships & Subscriptions	22,140	-	-	1,845	1,845	100.0
Bad Debts & Minimum Balance Writeoff	-	-	-	-	-	-
Conference & Continuing Ed	7,245	-	-	604	604	100.0
Certifications	1,645	-	-	137	137	100.0

**HUMBOLDT COMMUNITY SERVICES DISTRICT**  
**BUDGETARY STATEMENT OF REVENUES AND EXPENSES**  
**General Fund**

**July 2023**

	Budgeted 2022-23	Current Month-to-Date	Actual Year-to-Date	Budgeted Year-to-Date	Y.T.D. Variance Actual to Budget	% Variance
State/County & LAFCO Fees and Charges	19,200	-	-	1,600	1,600	100.0
Elections Expense	-	-	-	-	-	-
Human Resources	8,000	2,361	2,361	667	(1,695)	(254.2)
Miscellaneous	7,440	113	113	620	507	81.8
Director's Fees	16,000	1,050	1,050	1,333	283	21.3
General & Admin Expense Allocation	(573,622)	(51,226)	(51,226)	(47,802)	3,424	(7.2)
<b>TOTAL OPERATING EXPENSES</b>	<b>100,000</b>	<b>2,369</b>	<b>2,369</b>	<b>8,333</b>	<b>5,964</b>	<b>71.6</b>
<b>LONG TERM DEBT PAYMENTS</b>						
2014 PGE Energy Efficiency Loan	-	-	-	-	-	-
2012 CIP & Refi	-	88,800	88,800	-	(88,800)	-
New Financing	(340,000)	-	-	(28,333)	(28,333)	100.0
Less: Allocated to Water & Sewer Funds	-	-	-	-	-	-
<b>TOTAL LONG TERM DEBT PAYMENTS</b>	<b>(340,000)</b>	<b>88,800</b>	<b>88,800</b>	<b>(28,333)</b>	<b>(117,133)</b>	<b>413.4</b>
<b>CAPITALIZED EXPENDITURES</b>						
Vehicles/Rolling Stock/Capital Equipment	-	-	-	-	-	-
Building, Yard & Paving Improvements	92,500	28,539	28,539	7,708	(20,831)	(270.2)
Engineering & Studies	110,000	-	-	9,167	9,167	100.0
District Design Standards	-	-	-	-	-	-
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>202,500</b>	<b>28,539</b>	<b>28,539</b>	<b>16,875</b>	<b>(11,664)</b>	
<b>INTERFUND TRANSFER OUT</b>		<b>-</b>	<b>-</b>	<b>-</b>		
<b>BUDGET SURPLUS (DEFICIT)</b>	<b>467,501</b>	<b>(119,708)</b>	<b>(119,708)</b>	<b>38,958</b>	<b>(158,667)</b>	<b>(407.3)</b>

# Humboldt Community Services District

## Notes July 2023

### Note 1 - Sewer Revenue

Sewer revenue currently lower than projected due to rate increases being effective 8/1/23. Expected increase in sewer revenue in subsequent months.

### Note 2 - Non Operating and Miscellaneous Revenue

Most non-operating and Miscellaneous income occurs occasionally throughout the year, or at the very end of the fiscal year.

### Note 3 - Supplies - Maintenance

Significant maintenance costs for new Sewer Pump in HH area, Annual Cathodic Testing services, and New flow meter for Hubbard WBS

### Note 4 - Temporary Labor

Temporary labor costs have increased due to difficulties in finding suitable permanent applicants. Increased temporary labor costs have been more than offset by reductions in regular District wage expenses

### Note 5 - Liability Insurance

Annual Property insurance premium paid in July for entire year. Expense for entire year is expected to be in line with budget amount.

### Note 6 - Debt Service

Loan Payments are made throughout the year. The total expenditures by the end of the year will match budget amounts.

### Note 7 - Capital Improvements

Office building work is nearly complete. Expenditures for year are expected to be in line with budgeted amount.

### Note 8 - Engineering

<b>Engineering Expense - a/c 6810 - Operating Expense</b>	<b>Jul 2023</b>	<b>YTD</b>
Water Fund		
Eng Bid Advertising		
None		-
<b>Total posted to 6810</b>	<b>-</b>	<b>-</b>
<b>Engineering &amp; Studies - a/c 9040 - Capital Improvement Projects</b>		
Non Engineering Costs Posted to 9040		
None	-	-
<b>Grand Total posted to 9040</b>	<b>-</b>	<b>-</b>

# Humboldt Community Services District

*Dedicated to providing high quality, cost effective water and sewer service for our customers*

## AGENDA REPORT

**For HCSD Board of Directors Regular Meeting of:** August 22, 2023

**AGENDA ITEM:** F.1.

**TITLE:** Consideration of Cari McCormick FEHA Charge Pursuant to Government Code Section 12962(b)

**PRESENTED BY:** Terrence Williams, General Manager

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### Recommendation:

Reject the claim of discrimination based on age by Cari McCormick (Complainant) against the District as Complainant has never worked for nor interacted with this District in any way previous to this complaint.

### Summary:

On August 2, 2023, the District received a letter indicating that HCSD is named in a potential class action civil rights lawsuit claiming discrimination for age. The original letter dated June 28, 2023 is included in this Board Packet.

District staff reached out to Legal Counsel and JPIA to request advice regarding the claim. Both Legal Counsel and JPIA advised that the District submit a letter to the complainant's representative indicating insufficient information was provided to indicate that the District participated in the claimed discrimination. Specifically:

- The date, place, and facts describing the circumstances of the event, occurrence or transaction with Humboldt Community Services District which you claim caused the injury to the claimant.
- The name or names of the public employee or employees at Humboldt Community Services District causing the injury, damage or loss, if known.

The insufficiency letter is included in this Board Packet.

The Complainant's representative responded to the District's insufficiency letter claiming that they did provide the information that the District asserts was not provided and reiterated that the complainant was discriminated against by a public agency that contracts with CalPERS and that they don't know who at Humboldt CSD was involved.

JPIA and Legal Counsel both recommend that the District reject any claim against the District associated with this complaint and invite the complainant to sue for damages. A sample claim rejection letter is included in this Board Packet.

**Fiscal Impact:**

None for rejecting

## MODEL MERIT REJECTION LETTER

**IMPORTANT NOTE: This letter should be typed on Agency letterhead.**

*This letter should be used to notify potential claimants that their claim has been rejected on its MERITS, not because the claim is late, or because the claim is insufficient as to content. If used, this letter should be mailed within forty-five (45) days of presentation of the claim in accordance with California Government Code §913. If this letter is not sent, the claim is deemed rejected as a matter of law, thus extending the time allowed to file suit to two (2) years instead of six (6) months.*

Date

Dear \_\_\_\_\_,

Notice is hereby given that the claim which you presented to the (Title of Board or Officer) on (Date) was rejected on (Date).

### 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 State Court Action on this claim. See California Government Code §945.6. Your time for filing an action in federal court may be less than these six months.

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.

In providing this notice, or by any other action it has taken on this claim, (Name of Member Agency) does not intend to relinquish or waive any of its legal claims requirements or any rights or defenses potentially available to (Name of Member Agency) or its officers, directors, employees or agents.

Should you file a lawsuit in this matter which is determined to be in bad faith and without reasonable cause, please be advised that (Name of Member Agency) will attempt to recover all of its defense costs from you as allowed by California Code of Civil Procedure §128.5, §128.7 and §1038.

If you have any questions about your claim, or this letter, please call the undersigned, or our claims administrator at (phone number).

Sincerely,

June 28, 2023

To Whom It May Concern:

My firm represents Cari McCormick. Enclosed you will find an administrative charge, with exhibits, filed by Ms McCormick with the California Civil Rights Department, naming as respondents the California Public Employees' Retirement System, Lake County, and the State of California.

As the charge explains, Ms McCormick's claims concern how certain pension benefits are calculated and paid through CalPERS. Those claims are brought *on behalf of* a putative class of California public employees ("Plaintiff Class"). Those claims are brought *against* a putative class of California public entity employers who employed one or more members of the proposed plaintiff class ("Defendant Class"). Ms McCormick will propose that the State of California, as represented by the California Attorney General's Office, serve as class representative for the proposed Defendant Class.

We have reason to believe your public entity may have employed one or more members of the proposed Plaintiff Class, because your public entity contracts to pay pension benefits through CalPERS. For that reason, we are serving Ms McCormick's FEHA charge on your public entity pursuant to Government Code section 12962(b). In addition, to the extent the government claim presentation requirements may apply, we hereby present the enclosed charge as a government claim.

For more information, please see the enclosed charge.

Regards,

AIMAN-SMITH & MARCY  
PROFESSIONAL CORPORATION

/s/ Brent A. Robinson

Counsel for Plaintiff Cari McCormick  
[bar@asmlawyers.com](mailto:bar@asmlawyers.com)

Enclosures





Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

KEVIN KISH, DIRECTOR

June 8, 2023

Brent Robinson  
Aiman-Smith & Marcy, 7677 Oakport Street, Suite 1150  
Oakland, California 94621

RE: **Notice to Complainant's Attorney**  
CRD Matter Number: 202306-20925508  
Right to Sue: McCormick / California Public Employees' Retirement System et al.

Dear Brent Robinson:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, CRD will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



**Civil Rights Department**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

KEVIN KISH, DIRECTOR

June 8, 2023

RE: **Notice of Filing of Discrimination Complaint**

CRD Matter Number: 202306-20925508

Right to Sue: McCormick / California Public Employees' Retirement System et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

KEVIN KISH, DIRECTOR

June 8, 2023

Cari McCormick

RE: **Notice of Case Closure and Right to Sue**  
CRD Matter Number: 202306-20925508  
Right to Sue: McCormick / California Public Employees' Retirement System et al.

Dear Cari McCormick:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective June 8, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1                                   **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                                   **BEFORE THE STATE OF CALIFORNIA**  
3                                   **Civil Rights Department**  
4                                   **Under the California Fair Employment and Housing Act**  
5                                   **(Gov. Code, § 12900 et seq.)**

6                   **In the Matter of the Complaint of**

7                   Cari McCormick

CRD No. 202306-20925508

8                                   Complainant,

9                   vs.

10                   California Public Employees' Retirement System  
11                   Lincoln Plaza East 400 Q Street Room 1820  
12                   Sacramento, CA 95811

13                   Lake County  
14                   255 North Forbes Street  
15                   Lakeport, CA 95453

16                   State of California  
17                   c/o Attorney General Rob Bonta, Department of  
18                   Justice, P.O. Box 944255  
19                   Sacramento, CA 94244-2550

20                                   Respondents

21 \_\_\_\_\_  
22 **1.** Respondent **California Public Employees' Retirement System** is an **employer** subject to  
23 suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et  
24 seq.).

25 **2.** Complainant is naming **Lake County** business as Co-Respondent(s).  
26 Complainant is naming **State of California** business as Co-Respondent(s).

27 **3.** Complainant **Cari McCormick**, resides in the City of , State of .

28 **4.** Complainant alleges that on or about **June 1, 2023**, respondent took the following  
adverse actions:

**Complainant was discriminated against** because of complainant's age (40 and over) and  
as a result of the discrimination was denied equal pay, other.

-1-

*Complaint – CRD No. 202306-20925508*

Date Filed: June 8, 2023

CRD-ENF 80 RS (Revised 12/22)

1 **Additional Complaint Details:** See Exhibits A, B, and C attached hereto.

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-2-

*Complaint – CRD No. 202306-20925508*

27

Date Filed: June 8, 2023

28

CRD-ENF 80 RS (Revised 12/22)



1 VERIFICATION

2 I, **Brent A. Robinson**, am the **Attorney** in the above-entitled complaint. I have read  
3 the foregoing complaint and know the contents thereof. The matters alleged are  
4 based on information and belief, which I believe to be true.

5 On June 8, 2023, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

7 **San Francisco, CA**

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**EXHIBIT A**

**Exhibit A – Claim Narrative**

Plaintiff Cari McCormick is an individual.

Defendants California Public Employees' Retirement System ("CalPERS"), State of California, and County of Lake are California governmental entities.

Plaintiff is ignorant of the true names or capacities of defendants named herein as Does 1 through 3,000, inclusive, and therefore identifies these defendants by these fictitious names. Each of the defendants named herein or designated as a Doe, is liable or in some manner legally responsible for the events alleged herein.

Plaintiff seeks to have the State of California, represented by the California Attorney General's Office, appointed to represent a defendant class, which includes all public entities that both employed one or more Plaintiffs, and are liable for employer-side retirement contributions for one or more Plaintiffs. A list of public entities believed to potentially be included within that defendant class, based on their listing as employers within the 2021-2022 Annual Comprehensive Financial Report published by CalPERS, is attached as Exhibit C.

Plaintiff refers to all defendants here collectively as "Defendants."

Plaintiff seeks to represent a plaintiff class of similarly situated persons. The class includes all persons who were employed by Defendants; who were at or over age 40 at the time they became members of the CalPERS system; who applied for and were granted ordinary disability retirement; whose retirement benefits are administered by CalPERS; and either (1) who have ever received disability retirement benefit payments pursuant to Government Code section 21423, who were over age 41 at membership in CalPERS, and who at retirement were credited with 18.518 or fewer years of actual service; or (2) who have ever received disability retirement benefit payments pursuant to Government Code section 21098, and who at retirement were credited with 24.691 or fewer years of actual service; or (3) who have ever received disability retirement benefit payments pursuant to Government Code section 21424, and who at retirement were credited with 29.629 or fewer years of actual service.

Plaintiff was employed by County of Lake; was over age 40 at membership in CalPERS; applied for and was granted ordinary disability retirement; receives benefits administered by CalPERS; and presently receives monthly disability benefit payments pursuant to one of the sections listed above. *See, generally, McCormick v. Public Employees' Retirement System* (2019) 41 Cal.App.5th 428.

Plaintiff refers to herself and the proposed plaintiff class collectively as "Plaintiffs."

At all relevant times, each of the Defendants was the agent of each of the remaining Defendants and, in doing the things alleged herein, was acting with the course and scope of such agency.



Each of the Defendants' actions or omissions as alleged herein was ratified by each of the remaining Defendants. Each of the acts or omissions of a Defendant's agents as alleged herein was ratified by that Defendant, as well as by each of the remaining Defendants. Each of the Defendants had knowledge of unlawful discrimination practiced upon its employees by the other Defendants, and failed to thereafter take all reasonable steps to prevent further discrimination against its employees. Each of the Defendants provided substantial assistance or encouragement to the other Defendants in the discrimination alleged here, and thereby caused harm to Plaintiff and the proposed class. Each of the Defendants had knowledge of the discrimination alleged here, and cooperated in that discrimination. For purposes of the discrimination alleged here, each of the Defendants was a joint employer and engaged in a joint venture, including by engaging in a combination of resources to carry out a single undertaking, with each having separate ownership interests in the joint undertaking, joint control, and an agreement to share profits and losses of that joint undertaking.

California law governs Plaintiffs' retirement benefits, and provides for ordinary disability retirement benefits for certain public employees such as Plaintiff who are rendered unable to do their job by any non-industrial long-term disability.

California law calculates such ordinary disability retirement benefits in a way that discriminates based on advanced age at membership. Government Code sections 21098, 21424, and 21423 each provides for younger employees to receive an ordinary disability retirement benefit equal to at least 33.333% of their final compensation. By contrast, older employees receive significantly reduced benefits, because those benefits are based on imputed years of service through age 60. For example, assume two state miscellaneous first-tier employees are otherwise identical, except that one was hired at age 18, the other at age 49. Each puts in 10 years of actual credited service, and each is forced to retire due to disabilities. The 18-year-old-at-hire will receive a benefit equal to 33.333% of his final compensation, because the formula gives him service credit as if he had worked without interruption through age 60. By contrast, the 49-year-old-at-hire will receive a benefit equal to just 19.8% under section 21423, with the difference in benefit amounts solely due to the older employee's advanced age.

Defendants are liable for disparate treatment. Defendants are qualifying employers, and employed Plaintiffs. Plaintiffs were over age 40 at membership. Defendants paid Plaintiffs reduced retirement benefits compared to employees younger at membership. Plaintiffs' age over 40 at membership was a substantial motivating factor in Defendants' determination and payment of the amount of Plaintiffs' disability retirement benefits. Plaintiffs have been harmed. Defendants' payment of reduced benefits to Plaintiffs is a substantial factor in causing them harm.

Defendants are also liable for pattern-or-practice of intentional discrimination. Discrimination is Defendants' standard operating procedure, rather than an unusual practice, and that standard operating procedure is a substantial factor in harming Plaintiffs.

Defendants are also liable for disparate impact. Defendants are qualifying employers, and employed Plaintiffs. Plaintiffs were over age 40 at membership. Defendants maintained a common policy or practice that has a disproportionate adverse effect on persons over age 40 at membership. Plaintiffs have been harmed. Defendants' policy or practice was a substantial factor in causing Plaintiffs' harm.

Defendants are also liable for their failure to prevent discrimination against Plaintiffs. Defendants knew or should have known of the above-alleged discrimination, and failed to take all reasonable steps necessary to prevent the same from occurring, thereby causing harm to Plaintiffs.

Defendants are also liable for breach of contract. At hiring, Defendants promised Plaintiffs future pay in exchange for present work, and Defendants' monthly retirement benefit payments are wages paid after the fact for Plaintiffs' years of labor. *See, e.g., Kern v. Long Beach* (1947) 29 Cal.2d 848, 850-852. The retirement benefit provisions at issue are contractual terms of class members' employment agreements: by those retirement provisions, Defendants promised class members future pay in exchange for present work, and once class members began performance, class members obtained a vested contractual right to the benefits Defendants had promised. *See, e.g., McGlynn v. State of California* (2018) 21 Cal.App.5th 548, 559.

Defendants maintained express written contractual terms of employment that provided for class members to be paid reduced retirement benefits based on their advanced ages at hiring. *See, Gov. Code §§ 21098, 21424, 21423.* Those terms of employment violate or are contrary to overriding state laws (*i.e.*, Gov. Code § 12940, subd. (a)) regulating such terms of employment, by providing for reduced compensation based solely on an employees' advanced age at hiring. To that extent, those terms of employment are contrary to superseding state law, they are illegal contractual terms, they are contrary to public policy, and they are therefore void. *See, Civil Code § 1667.* The unlawful terms of Plaintiffs' contracts with Defendants are severable, such that the illegal contract terms should be severed, and the balance of the contracts enforced. *Armendariz v. Found. Health Psychcare Servs., Inc.* (2000) 24 Cal.4th 83, 124. With illegal contractual terms severed, class members' contracts with the Defendants provide for class members to receive equal retirement benefits.

Alternately, FEHA's prohibition on age discrimination constitutes a contractual term of employment implied by operation of law into Plaintiffs' employment agreements with Defendants, such that Defendants were subject to a contractual duty to pay nondiscriminatory retirement benefits. *See, Castillo v. Express Escrow Company* (2007) 146 Cal.App.4th 1301, 1308 ("all laws in existence when the agreement was made become part of the contract"); *Anderson v. Time Warner Telecom of California* (2005) 129 Cal.App.4th 411, 418 ("All applicable laws are presumed to be known by the parties and to form a part of the agreement as if those laws were expressly referred to and incorporated."); *Coral Farms, L.P. v. Mahony* (2021) 63 Cal.App.5th 719, 731 ("The incorporation of current law into a contract is presumed and does not require a deliberate expression by the parties.").



The terms of Plaintiffs' employment contracts were sufficiently clear that the parties could understand what each was required to do, the parties exchanged consideration, and the parties agreed to terms. Plaintiffs did all, or substantially all, of the significant things their contracts required of them. Defendants failed to pay non-discriminatory benefits under the contracts, or paid discriminatory benefits in violation of the contracts. Plaintiffs were harmed. Defendants' breaches of contract were a substantial factor in causing Plaintiffs' harm.

The harm to Plaintiffs includes the loss of retirement benefits, the loss of additional amounts of money each would have received had he or she not suffered such unlawful discrimination, and harm in the form of humiliation, mental anguish, and emotional distress.

Defendants are also liable for prospective relief for violations of California's Equal Protection clause. Such relief includes declaratory relief, injunctive relief, and issuance of writs of mandamus and/or prohibition.

Thus, Defendants' unlawful policies and practices as alleged adversely affect, in a similar manner, a class of persons of which Plaintiff is a member, and raise substantial questions of law and fact that are common to that class. For those reasons, Plaintiff files this charge on behalf of a class of all others similarly situated, and seeks to represent the same.

**EXHIBIT B**

**Exhibit B – Required Claim Information (Gov. Code § 910)**

Name of Claimant:	Cari McCormick
Address of Claimant, and Address Where Notices re Claim Should Be Sent:	Cari McCormick c/o Brent A. Robinson Aiman-Smith & Marcy, PC 7677 Oakport Street, Suite 1150 Oakland, CA 94621
Date, Place, and Other Circumstances of the Occurrence or Transaction which Gave Rise to the Claim Asserted:	Following a decision in favor of Ms McCormick by the First District Court of Appeal in 2019, CalPERS granted Ms McCormick ordinary disability retirement. For additional information about facts giving rise to claim asserted, see Exhibit A.
A General Description of the Loss Incurred:	See Exhibit A for detailed factual narrative.
The Name or Names of the Public Employees Causing the Injury, Damage, or Loss, if Known:	Unknown.
The Amount Claimed If Less than \$10k:	The amount claimed exceeds \$10k.

Note: This Claim is presented on behalf of a class of similarly situated persons. Claimant is the proposed representative claimant. The class description is provided in Exhibit A.

*To conserve paper, the contents of Exhibit C listing 1,540 potential defendants (Pgs. 39-74) are not included in printed Board Pack sets. The full complaint may be viewed on the District's website: [www.humboldtcsd.org](http://www.humboldtcsd.org)*

**EXHIBIT C**

**Exhibit C – List of Potential Defendants**

1. South San Joaquin County Fire Authority
2. Central Fire Protection District of Santa Cruz County
3. California Intergovernmental Risk Authority
4. State of California
5. Alameda County Office of Education
6. Alpine County Office of Education
7. Amador County Office of Education
8. Butte County Office of Education
9. Calaveras County Office of Education
10. Colusa County Office of Education
11. Contra Costa County Office of Education
12. Del Norte County Office of Education
13. El Dorado County Office of Education
14. Fresno County Office of Education
15. Glenn County Office of Education
16. Humboldt County Office of Education
17. Imperial County Office of Education
18. Inyo County Office of Education
19. Kern County Office of Education
20. Kings County Office of Education
21. Lake County Office of Education
22. Lassen County Office of Education
23. Los Angeles County Office of Education
24. Madera County Office of Education
25. Marin County Office of Education
26. Mariposa County Office of Education
27. Mendocino County Office of Education
28. Merced County Office of Education
29. Modoc County Office of Education
30. Mono County Office of Education
31. Monterey County Office of Education
32. Napa County Office of Education
33. Nevada County Office of Education
34. Los Angeles Unified School District
35. Los Angeles Community College District
36. San Diego County Office of Education
37. Alpine County
38. Amador County
39. Butte County
40. Calaveras County
41. Colusa County

Exhibit C  
Page 2

42. Del Norte County
43. El Dorado County
44. Glenn County
45. Humboldt County
46. Inyo County
47. Kings County
48. Lake County
49. Lassen County
50. Madera County
51. Mariposa County
52. Modoc County
53. Mono County
54. Monterey County
55. Napa County
56. Nevada County
57. Placer County
58. Plumas County
59. Riverside County
60. San Benito County
61. San Joaquin County
62. Santa Clara County
63. Santa Cruz County
64. Shasta County
65. Sierra County
66. Siskiyou County
67. Solano County
68. Sutter County
69. Tehama County
70. Trinity County
71. Tuolumne County
72. Yolo County
73. Yuba County
74. Adelanto
75. Agoura Hills
76. Alameda
77. Albany
78. Alhambra
79. Aliso Viejo
80. Alturas
81. American Canyon
82. Anaheim
83. Anderson
84. Angels



Exhibit C

Page 3

85. Antioch
86. Apple Valley
87. Arcadia
88. Arcata
89. Arroyo Grande
90. Artesia
91. Arvin
92. Atascadero
93. Atherton
94. Atwater
95. Auburn
96. Avalon
97. Avenal
98. Azusa
99. Bakersfield
100. Baldwin Park
101. Banning
102. Barstow
103. Beaumont
104. Bell
105. Bell Gardens
106. Bellflower
107. Belmont
108. Belvedere
109. Benicia
110. Berkeley
111. Beverly Hills
112. Biggs
113. Bishop
114. Blue Lake
115. Blythe
116. Bradbury
117. Brawley
118. Brea
119. Brentwood
120. Brisbane
121. Buellton
122. Buena Park
123. Burbank
124. Burlingame
125. Calabasas
126. Calexico
127. California City

Exhibit C  
Page 4

- 128. Calimesa
- 129. Calipatria
- 130. Calistoga
- 131. Camarillo
- 132. Campbell
- 133. Canyon Lake
- 134. Capitola
- 135. Carlsbad
- 136. Carmel-By-The-Sea
- 137. Carpinteria
- 138. Carson
- 139. Cathedral City
- 140. Cerritos
- 141. Chico
- 142. Chino
- 143. Chowchilla
- 144. Chula Vista
- 145. Citrus Heights
- 146. Claremont
- 147. Clayton
- 148. Clearlake
- 149. Cloverdale
- 150. Clovis
- 151. Coachella City
- 152. Coalinga
- 153. Colfax
- 154. Colma
- 155. Colton
- 156. Colusa
- 157. Commerce
- 158. Compton
- 159. Concord
- 160. Corcoran
- 161. Corning
- 162. Corona
- 163. Coronado
- 164. Corte Madera
- 165. Costa Mesa
- 166. Cotati
- 167. Covina
- 168. Crescent City
- 169. Cudahy
- 170. Culver City

Exhibit C

Page 5

- 171. Cupertino
- 172. Cypress
- 173. Daly City
- 174. Dana Point
- 175. Davis
- 176. Del Mar
- 177. Del Rey Oaks
- 178. Delano
- 179. Desert Hot Springs
- 180. Diamond Bar
- 181. Dinuba
- 182. Dixon
- 183. Dos Palos
- 184. Downey
- 185. Duarte
- 186. Dublin
- 187. Dunsmuir
- 188. East Palo Alto
- 189. Eastvale
- 190. El Cajon
- 191. El Centro
- 192. El Cerrito
- 193. El Monte
- 194. El Segundo
- 195. Elk Grove
- 196. Emeryville
- 197. Encinitas
- 198. Escalon
- 199. Escondido
- 200. Etna
- 201. Eureka
- 202. Exeter
- 203. Fairfax
- 204. Fairfield
- 205. Farmersville
- 206. Fillmore
- 207. Firebaugh
- 208. Folsom
- 209. Fontana
- 210. Fort Bragg
- 211. Fortuna
- 212. Foster City
- 213. Fountain Valley

Exhibit C  
Page 6

- 214. Fowler
- 215. Fremont
- 216. Fullerton
- 217. Galt
- 218. Garden Grove
- 219. Gardena
- 220. Gilroy
- 221. Glendale
- 222. Glendora
- 223. Goleta
- 224. Gonzales
- 225. Grand Terrace
- 226. Grass Valley
- 227. Greenfield
- 228. Gridley
- 229. Grover Beach
- 230. Guadalupe
- 231. Gustine
- 232. Half Moon Bay
- 233. Hanford
- 234. Hawaiian Gardens
- 235. Hawthorne
- 236. Hayward
- 237. Healdsburg
- 238. Hemet
- 239. Hercules
- 240. Hermosa Beach
- 241. Hesperia
- 242. Hidden Hills
- 243. Highland
- 244. Hillsborough
- 245. Hollister
- 246. Hughson
- 247. Huntington Beach
- 248. Huntington Park
- 249. Imperial
- 250. Imperial Beach
- 251. Indian Wells
- 252. Indio
- 253. Industry
- 254. Inglewood
- 255. Ione
- 256. Irvine

Exhibit C  
Page 7

- 257. Irwindale
- 258. Jackson
- 259. Kerman
- 260. King City
- 261. Kingsburg
- 262. La Canada Flintridge
- 263. La Habra
- 264. La Habra Heights
- 265. La Mesa
- 266. La Mirada
- 267. La Palma
- 268. La Puente
- 269. La Quinta
- 270. La Verne
- 271. Laguna Beach
- 272. Laguna Hills
- 273. Laguna Niguel
- 274. Laguna Woods
- 275. Lake Elsinore
- 276. Lake Forest
- 277. Lakeport
- 278. Lakewood
- 279. Lancaster
- 280. Larkspur
- 281. Lathrop
- 282. Lawndale
- 283. Lemon Grove
- 284. Lemoore
- 285. Lincoln
- 286. Lindsay
- 287. Live Oak
- 288. Livermore
- 289. Livingston
- 290. Lodi
- 291. Loma Linda
- 292. Lomita
- 293. Lompoc
- 294. Long Beach
- 295. Loomis
- 296. Los Alamitos
- 297. Los Altos
- 298. Los Altos Hills
- 299. Los Banos

Exhibit C  
Page 8

- 300. Los Gatos
- 301. Lynwood
- 302. Madera
- 303. Malibu
- 304. Mammoth Lakes
- 305. Manhattan Beach
- 306. Manteca
- 307. Marina
- 308. Martinez
- 309. Marysville
- 310. Maywood
- 311. Mendota
- 312. Menifee
- 313. Menlo Park
- 314. Merced
- 315. Mill Valley
- 316. Millbrae
- 317. Milpitas
- 318. Mission Viejo
- 319. Modesto
- 320. Monrovia
- 321. Montague
- 322. Montclair
- 323. Monte Sereno
- 324. Montebello
- 325. Monterey
- 326. Monterey Park
- 327. Moorpark
- 328. Moraga
- 329. Moreno Valley
- 330. Morgan Hill
- 331. Morro Bay
- 332. Mountain View
- 333. Mt. Shasta
- 334. Murrieta
- 335. Napa
- 336. National City
- 337. Needles
- 338. Nevada City
- 339. Newark
- 340. Newman
- 341. Newport Beach
- 342. Norco

Exhibit C

Page 9

- 343. Norwalk
- 344. Novato
- 345. Oakdale
- 346. Oakland
- 347. Oakley
- 348. Oceanside
- 349. Ojai
- 350. Ontario
- 351. Orange
- 352. Orange Cove
- 353. Orland
- 354. Oroville
- 355. Oxnard
- 356. Pacific Grove
- 357. Pacifica
- 358. Palm Desert
- 359. Palm Springs
- 360. Palmdale
- 361. Palo Alto
- 362. Palos Verdes Estates
- 363. Paradise
- 364. Paramount
- 365. Parlier
- 366. Pasadena
- 367. Paso Robles
- 368. Patterson
- 369. Perris
- 370. Petaluma
- 371. Pico Rivera
- 372. Piedmont
- 373. Pinole
- 374. Pismo Beach
- 375. Pittsburg
- 376. Placentia
- 377. Placerville
- 378. Pleasant Hill
- 379. Pleasanton
- 380. Pomona
- 381. Port Hueneme
- 382. Porterville
- 383. Portola
- 384. Portola Valley
- 385. Poway



Exhibit C

Page 10

- 386. Rancho Cordova
- 387. Rancho Cucamonga
- 388.
- 389. Rancho Mirage
- 390. Rancho Palos Verdes
- 391. Rancho Santa Margarita
- 392. Red Bluff
- 393. Redding
- 394. Redlands
- 395. Redondo Beach
- 396. Redwood City
- 397. Reedley
- 398. Rialto
- 399. Richmond
- 400. Ridgecrest
- 401. Rio Vista
- 402. Ripon
- 403. Riverbank
- 404. Riverside
- 405. Rocklin
- 406. Rohnert Park
- 407. Rolling Hills
- 408. Rolling Hills Estates
- 409. Rosemead
- 410. Roseville
- 411. Ross
- 412. Sacramento
- 413. Salinas
- 414. San Anselmo
- 415. San Bernardino
- 416. San Bruno
- 417. San Buenaventura
- 418. San Carlos
- 419. San Clemente
- 420. San Dimas
- 421. San Fernando
- 422. San Francisco I
- 423. San Gabriel
- 424. San Jacinto
- 425. San Joaquin
- 426. San Jose
- 427. San Leandro
- 428. San Luis Obispo

Exhibit C  
Page 11

- 429. San Marcos
- 430. San Marino
- 431. San Mateo
- 432. San Pablo
- 433. San Ramon
- 434. Sand City
- 435. Sanger
- 436. Santa Ana
- 437. Santa Barbara
- 438. Santa Clara
- 439. Santa Clarita
- 440. Santa Cruz
- 441. Santa Fe Springs
- 442. Santa Maria
- 443. Santa Monica
- 444. Santa Paula
- 445. Santa Rosa
- 446. Santee
- 447. Saratoga
- 448. Sausalito
- 449. Scotts Valley
- 450. Seal Beach
- 451. Seaside
- 452. Sebastopol
- 453. Selma
- 454. Shafter
- 455. Shasta Lake
- 456. Sierra Madre
- 457. Signal Hill
- 458. Simi Valley
- 459. Solana Beach
- 460. Soledad
- 461. Solvang
- 462. Sonoma
- 463. Sonora
- 464. South El Monte
- 465. South Gate
- 466. South Lake Tahoe
- 467. South Pasadena
- 468. South San Francisco
- 469. St. Helena
- 470. Stanton
- 471. Stockton

Exhibit C  
Page 12

- 472. Suisun City
- 473. Sunnyvale
- 474. Susanville
- 475. Sutter Creek
- 476. Taft
- 477. Tehachapi
- 478. Temecula
- 479. Temple City
- 480. Thousand Oaks
- 481. Tiburon
- 482. Torrance
- 483. Tracy
- 484. Truckee
- 485. Tulare
- 486. Tulelake
- 487. Turlock
- 488. Tustin
- 489. Twentynine Palms
- 490. Ukiah
- 491. Union City
- 492. Upland
- 493. Vacaville
- 494. Vallejo
- 495. Vernon
- 496. Victorville
- 497. Villa Park
- 498. Visalia
- 499. Vista
- 500. Walnut
- 501. Walnut Creek
- 502. Wasco
- 503. Waterford
- 504. Watsonville
- 505. Weed
- 506. West Covina
- 507. West Hollywood
- 508. West Sacramento
- 509. Westlake Village
- 510. Westminster
- 511. Whittier
- 512. Wildomar
- 513. Williams
- 514. Willits

Exhibit C  
Page 13

- 515. Willows
- 516. Windsor
- 517. Winters
- 518. Woodlake
- 519. Woodland
- 520. Woodside
- 521. Yorba Linda
- 522. Yountville
- 523. Yreka
- 524. Yuba City
- 525. Yucaipa
- 526. Yucca Valley
- 527. Academic Senate for California Community Colleges
- 528. Access Services Incorporated
- 529. Agoura Hills and Calabasas Community Center
- 530. Alameda Alliance for Health
- 531. Alameda Corridor Transportation Authority
- 532. Alameda County Fire Department
- 533. Alameda County Law Library
- 534. Alameda County Mosquito Abatement District
- 535. Alameda County Schools Insurance Group
- 536. Alameda County Transportation Commission
- 537. Alameda County Waste Management Authority
- 538. Alameda County Water District
- 539. Alliance of Schools for Cooperative Insurance Programs
- 540. Alpine Fire Protection District
- 541. Alpine Springs County Water District
- 542. Alta California Regional Center, Inc.
- 543. Alta Irrigation District
- 544. Altadena Library District
- 545. Amador County Transportation Commission
- 546. Amador Transit
- 547. Amador Water Agency
- 548. American Canyon Fire Protection District
- 549. American River Flood Control District
- 550. Anderson Cemetery District
- 551. Anderson Fire Protection District
- 552. Angiola Water District
- 553. Antelope Valley Mosquito and Vector Control District
- 554. Antelope Valley Schools Transportation Agency
- 555. Antelope Valley Transit Authority
- 556. Apple Valley Fire Protection District
- 557. Arbuckle-College City Fire Protection District

Exhibit C

Page 14

- 558. Arcade Creek Recreation and Park District
- 559. Arcata Fire Protection District
- 560. Area 12 Agency on Aging
- 561. Aromas Water District
- 562. Arrowbear Park County Water District
- 563. Arroyo Grande District Cemetery
- 564. Associated Students California State University San Bernardino
- 565. Associated Students Inc., California State University, Fullerton
- 566. Associated Students Incorporated of California State University East Bay
- 567. Associated Students Incorporated of California State University Stanislaus
- 568. Associated Students of California State University, Chico
- 569. Association of California Water Agencies
- 570. Association of California Water Agencies - Joint Powers Insurance Authority
- 571. Association of Monterey Bay Area Governments
- 572. Atascadero Cemetery District
- 573. Auburn Area Recreation and Park District
- 574. Auburn Public Cemetery District
- 575. Avila Beach Community Services District
- 576. Aztec Shops, Ltd.
- 577. Bard Water District
- 578. Bardsdale Cemetery District
- 579. Barstow Cemetery District
- 580. Bay Area Air Quality Management District
- 581. Bay Area Water Supply and Conservation Agency
- 582. Beach Cities Health District
- 583. Bear Mountain Recreation and Park District
- 584. Bear Valley Community Services District
- 585. Beaumont District Library
- 586. Beaumont-Cherry Valley Recreation and Park District
- 587. Beaumont-Cherry Valley Water District
- 588. Bella Vista Water District
- 589. Belmont Fire Protection District
- 590. Belmont-San Carlos Fire Department
- 591. Belvedere-Tiburon Library Agency
- 592. Benicia City Housing Authority
- 593. Berkeley Housing Authority
- 594. BETA Healthcare Group Risk Management Authority
- 595. Big Bear Area Regional Wastewater Agency
- 596. Big Bear City Airport District
- 597. Big Bear City Community Services District
- 598. Big Bear Municipal Water District
- 599. Bighorn-Desert View Water Agency
- 600. Black Gold Cooperative Library System



Exhibit C  
Page 15

601. Blanchard/Santa Paula Public Library District
602. Blue Lake Fire Protection District
603. Bodega Bay Fire Protection District
604. Bolinas Community Public Utility District
605. Bolinas Fire Protection District
606. Bonita-Sunnyside Fire Protection District
607. Boron Community Services District
608. Borrego Springs Fire Protection District
609. Borrego Water District
610. Boulder Creek Fire Protection District
611. Branciforte Fire Protection District
612. Brannan-Andrus Levee Maintenance District
613. Broadmoor Police Protection District
614. Brooktrails Township Community Services District
615. Browns Valley Irrigation District
616. Buckingham Park County Water District
617. Buena Park Library District
618. Burney Basin Mosquito Abatement District
619. Burney Fire District
620. Burney Water District
621. Butte County Air Quality Management District
622. Butte County Association of Governments
623. Butte County Fair Association
624. Butte County In-Home Supportive Services Public Authority
625. Butte County Mosquito and Vector Control District
626. Butte Local Agency Formation Commission
627. Butte Schools Self-Funded Programs
628. Butte-Glenn Community College District
629. Byron-Bethany Irrigation District
630. Cabrillo College Foundation
631. Cachuma Operation and Maintenance Board
632. Cal Poly Corporation
633. Cal Poly Pomona Foundation, Inc.
634. Calaveras Council of Governments
635. Calaveras County Water District
636. Calaveras Public Utility District
637. California Association for Park and Recreation Indemnity
638. California Authority of Racing Fairs
639. California Bear Credit Union
640. California Central Valley Flood Control Association
641. California Fair Services Authority
642. California Fairs Financing Authority
643. California Firefighter's Joint Apprenticeship Committee

Exhibit C  
Page 16

644. California Interscholastic Federation, Central Coast Section
645. California Interscholastic Federation, Central Section
646. California Interscholastic Federation, North Coast Section
647. California Interscholastic Federation, Northern Section
648. California Interscholastic Federation, Sac- Joaquin Section
649. California Interscholastic Federation, San Diego Section
650. California Interscholastic Federation, Southern Section
651. California Interscholastic Federation, State Office
652. California Joint Powers Insurance Authority
653. California Joint Powers Risk Management Authority
654. California Maritime Academy Foundation, Inc.
655. California Municipal Utilities Association
656. California Pines Community Services District
657. California Redevelopment Association Foundation
658. California School Boards Association
659. California Special Districts Association
660. California State University, Bakersfield Foundation
661. California State University, East Bay Foundation, Inc.
662. "California State University, Fresno Athletic Corporation"
663. California State University, Stanislaus Auxiliary and Business Services
664. California State University-Fresno Association, Inc.
665. Callayomi County Water District
666. Calleguas Municipal Water District
667. Camarillo Health Care District
668. Cambria Cemetery District
669. Cambria Community Healthcare District
670. Cambria Community Services District
671. Cameron Park Community Services District
672. Camrosa Water District
673. Capitol Area Development Authority
674. Carmel Area Wastewater District
675. Carmel Highlands Fire Protection District of Monterey County
676. Carmichael Water District
677. Carpinteria Sanitary District
678. Carpinteria Valley Water District
679. Casitas Municipal Water District
680. Castro Valley Sanitary District
681. Castroville Community Services District
682. Cawelo Water District
683. Cayucos Sanitary District
684. Cayucos-Morro Bay Cemetery District
685. Centerville Community Services District
- 686.



Exhibit C  
Page 17

687. Central Basin Municipal Water District
688. Central Calaveras Fire and Rescue Protection District
689. Central Coast Water Authority
690. Central Contra Costa Solid Waste Authority
691. Central Contra Costa Transit Authority
692. Central County Fire Department
693. Central Marin Fire Authority
694. Central Marin Police Authority
695. Central Marin Sanitation Agency
696. Central Sierra Child Support Agency
697. Central Valley Regional Center, Inc.
698. Central Water District
699. Channel Islands Beach Community Services District
700. Chester Public Utility District
701. Chico Area Recreation and Park District
702. Children and Families Commission of San Luis Obispo County
703. Chino Basin Water Conservation District
704. Chino Basin Watermaster
705. Chino Valley Independent Fire District
706. Citrus Heights Water District
707. City/County Association of Governments of San Mateo County
708. Clear Creek Community Services District
709. Clearlake Oaks County Water District
710. Cloverdale Citrus Fair
711. Cloverdale Fire Protection District
712. Clovis Cemetery District
713. Coachella Valley Association of Governments
714. Coachella Valley Mosquito and Vector Control District
715. Coachella Valley Public Cemetery District
716. Coachella Valley Water District
717. Coalinga/Huron Unified School District Library District
718. Coalinga-Huron Cemetery District
719. Coalinga-Huron Recreation and Park District
720. Coast Life Support District
721. Coastal Developmental Services Fdn DBA Westside Regional Center
722. Coastsides County Water District
723. Coastsides Fire Protection District
724. Colfax Cemetery District
725. College of The Canyons Foundation
726. Colusa County One-Stop Partnership
727. Colusa Mosquito Abatement District
728. Community College League of California
729. Community Development Commission of Mendocino County

Exhibit C  
Page 18

- 730. Compass Community Credit Union
- 731. Compton Creek Mosquito Abatement District
- 732. Compton Unified School District
- 733. Conejo Recreation and Park District
- 734. Connecting Point
- 735. Consolidated Mosquito Abatement District
- 736. Contra Costa Community College District
- 737. Contra Costa County Law Library
- 738. Contra Costa County Schools Insurance Group
- 739. Contra Costa Transportation Authority
- 740. Cooperative Organization for the Development of Employee Selection Procedures
- 741. Cooperative Personnel Services
- 742. Copperopolis Fire Protection District
- 743. Cordelia Fire Protection District of Solano County
- 744. Cordova Recreation and Park District
- 745. Corning Water District
- 746. Costa Mesa Sanitary District
- 747. Cosumnes Community Services District
- 748. Cottonwood Fire Protection District
- 749. Cottonwood Water District
- 750. CRA/LA, a Designated Local Authority
- 751. Crescent City Harbor District
- 752. Crescenta Valley Water District
- 753. Crestline Lake Arrowhead Water Agency
- 754. Crestline Village Water District
- 755. Crockett Community Services District
- 756. Cucamonga Valley Water District
- 757. Cutler Public Utility District
- 758. Cutler-Orosi Joint Powers Wastewater Authority
- 759. Cuyama Valley Recreation District
- 760. Dairy Council of California
- 761. Davis Cemetery District
- 762. De Luz Community Services District
- 763. Del Norte County Library District
- 764. Del Paso Manor Water District
- 765. Del Puerto Water District
- 766. Del Rey Community Services District
- 767. Delano Mosquito Abatement District
- 768. Delta Diablo
- 769. Delta Mosquito and Vector Control District
- 770. Denair Community Services District
- 771. Desert Water Agency
- 772. Diablo Water District

Exhibit C  
Page 19

- 773. Diamond Springs/El Dorado Fire Protection District
- 774. Dixon Public Library District
- 775. Donald P. And Katherine B. Loker University
- 776. Student Union, Inc.
- 777. Dougherty Regional Fire Authority
- 778. Dublin San Ramon Services District
- 779. Durham Mosquito Abatement District
- 780. East Bay Dischargers Authority
- 781. East Bay Regional Park District
- 782. East Contra Costa Irrigation District
- 783. East County Schools Federal Credit Union
- 784. East Orange County Water District
- 785. East Palo Alto Sanitary District
- 786. East Quincy Services District
- 787. East Valley Water District
- 788. Eastern Municipal Water District
- 789. Eastern Sierra Transit Authority
- 790. Ebbetts Pass Fire Protection District
- 791. Edgemont Community Services District
- 792. El Dorado County Fire Protection District
- 793. El Dorado County Resource Conservation
- 794. District
- 795. El Dorado County Transit Authority
- 796. El Dorado County Transportation Commission
- 797. El Dorado County Water Agency
- 798. El Dorado Hills Community Services District
- 799. El Dorado Hills County Water District
- 800. El Dorado Irrigation District
- 801. El Dorado Local Agency Formation
- 802. Commission
- 803. Encina Wastewater Authority
- 804. Esparto Community Services District
- 805. Esparto Fire Protection District
- 806. Exeter District Ambulance
- 807. Fair Oaks Recreation & Park District
- 808. Fair Oaks Water District
- 809. Fairfield-Suisun Sewer District
- 810. Fall River Valley Community Services District
- 811. Fallbrook Public Utility District
- 812. Far Northern Coordinating Council on
- 813. Developmental Disabilities
- 814. Feather River Air Quality Management District
- 815. Feather River Recreation and Park District



Exhibit C  
Page 20

816. Feather Water District
817. Felton Fire Protection District
818. Fern Valley Water District
819. Florin County Water District
820. Florin Resource Conservation District Elk
821. Grove Water District
822. Fontana Unified School District
823. Foothill Municipal Water District
824. Foothill-De Anza Community College District
825. Foresthill Public Utility District
826. Forestville Water District
827. Fort Bragg Fire Protection Authority
828. Foundation for California Community Colleges
829. Foundation for Grossmont and Cuyamaca
830. Colleges
831. Fresno City Housing Authority
832. Fresno County Housing Authority
833. Fresno County Law Library
834. Fresno Westside Mosquito Abatement District
835. Fruitridge Fire Protection District
836. Fulton-El Camino Recreation and Park District
837. Garden Valley Fire Protection District
838. Georgetown Divide Public Utility District
839. Georgetown Divide Resource Conservation
840. Georgetown Fire Protection District
841. Gilsizer County Drainage District
842. Glendale College, Associated Students of
843. Glendale Community College District
844. Glenn County Mosquito and Vector Control
845. Gold Coast Transit
846. Gold Ridge Fire Protection District
847. Gold Ridge Resource Conservation District
848. Golden Gate Bridge Highway and
849. Transportation District
850. Golden Hills Community Services District
851. Golden Sierra Job Training Agency
852. Goleta Sanitary District
853. Goleta Water District
854. Goleta West Sanitary District
855. Granada Community Services District
856. Graton Community Services District
857. Graton Fire Protection District
858. Great Basin Unified Air Pollution Control

Exhibit C  
Page 21

- 859. Greater Anaheim Special Education Local Plan
- 860. Area
- 861. Greater Los Angeles County Vector Control
- 862. Greater Vallejo Recreation District
- 863. Green Valley County Water District
- 864. Gridley Biggs Cemetery District
- 865. Grossmont Healthcare District
- 866. Groveland Community Services District
- 867. Gualala Community Services District
- 868. Hacienda La Puente Unified School District
- 869. Hamilton Branch Fire Protection District
- 870. Happy Camp Sanitary District
- 871. Happy Homestead Cemetery District
- 872. Happy Valley Fire District
- 873. Hayward Area Recreation and Park District
- 874. Health Plan of San Joaquin
- 875. Heartland Communications Facility Authority
- 876. Heber Public Utility District
- 877. Helendale Community Services District
- 878. Helix Water District
- 879. Henry Miller Reclamation District No. 2131
- 880. Heritage Ranch Community Services District
- 881. Herlong Public Utility District
- 882. Hesperia Fire Protection District
- 883. Hesperia Unified School District
- 884. Hesperia Water District
- 885. Hidden Valley Lake Community Services District
- 886. Hi-Desert Water District
- 887. Higgins Area Fire Protection District
- 888. Hilton Creek Community Services District
- 889. Hopland Public Utility District
- 890. Housing Authority of the City of Alameda
- 891. Housing Authority of the City of Calexico
- 892. Housing Authority of the City of Eureka
- 893. Housing Authority of the City of Livermore
- 894. Housing Authority of the City of Los Angeles
- 895. Housing Authority of the City of Madera
- 896. Housing Authority of the City of San Buenaventura
- 897. Housing Authority of the City of San Luis Obispo
- 898. Housing Authority of the City of South San Francisco
- 899. Housing Authority of the County of Butte
- 900. Housing Authority of the County of Kern
- 901. Housing Authority of the County of Santa Cruz

Exhibit C  
Page 22

902. Hub Cities Consortium
903. "Human Rights/Fair Housing Commission of the
904. City and County of Sacramento"
905. Humboldt Bay Fire Joint Powers Authority
906. Humboldt Bay Harbor Recreation and Conservation District
907. Humboldt Bay Municipal Water District
908. Humboldt Community Services District
909. Humboldt County Association of Governments
910. Humboldt Transit Authority
911. Humboldt Waste Management Authority
912. Idyllwild Fire Protection District
913. Independent Cities Association, Inc.
914. Indian Wells Valley Water District
915. Inland Counties Regional Center, Inc.
916. Inland Empire Health Plan
917. Inland Empire Resource Conservation District
918. Inland Empire Utilities Agency
919. Intergovernmental Training and Development Center
920. Inverness Public Utility District
921. Ironhouse Sanitary District
922. Irvine Ranch Water District
923. Isla Vista Recreation and Park District
924. Jackson Valley Irrigation District
925. Jamestown Sanitary District
926. Joshua Basin Water District
927. June Lake Public Utility District
928. Jurupa Area Recreation and Park District
929. Jurupa Community Services District
930. Kaweah Delta Water Conservation District
931. Kelseyville Fire Protection District
932. Kensington Community Services District
933. Kentfield Fire Protection District
934. Kenwood Fire Protection District
935. Kern County Council of Governments
936. Kern County Local Agency Formation Commission
937. Kern Health Systems
938. Kern River Valley Cemetery District
939. Kern-Tulare Water District
940. Kettleman City Community Services District
941. Kings County Area Public Transit Agency
942. Kings County Association of Governments
943. Kings County In-Home Supportive Services Public Authority
944. Kings Mosquito Abatement District



Exhibit C  
Page 23

945. Kings Waste and Recycling Authority
946. Kinneloa Irrigation District
947. Kirkwood Meadows Public Utility District
948. Konocti County Water District
949. La Habra Heights County Water District
950. La Puente Valley County Water District
951. Laguna Beach County Water District
952. Lake Arrowhead Community Services District
953. Lake County Fire Protection District
954. Lake County Vector Control District
955. Lake Don Pedro Community Services District
956. Lake Hemet Municipal Water District
957. Lake Oroville Area Public Utility District
958. Lake Shastina Community Services District
959. Lake Valley Fire Protection District
960. Lakeport County Fire Protection District
961. Lakeside Fire Protection District
962. Lakeside Water District
963. Lamont Public Utility District
964. Las Gallinas Valley Sanitary District of Marin County
965. Las Virgenes Municipal Water District
966. Lassen County Waterworks District No. 1
967. League of California Cities
968. Leucadia Wastewater District
969. Levee District No. 1 of Sutter County
970. Linda County Water District
971. Linda Fire Protection District
972. Linden-Peters Rural County Fire Protection District
973. Lindsay Strathmore Public Cemetery District
974. Little Lake Fire Protection District
975. Littlerock Creek Irrigation District
976. Live Oak Cemetery District
977. Livermore/Amador Valley Transit Authority
978. "Local Agency Formation Commission of  
979. Monterey County"
980. Local Agency Formation Commission of Solano County
981. Local Government Services Authority, a Joint Powers Authority
982. Long Beach City College Associated Student Body Enterprises
983. Long Beach State University, Associated Students
984. Long Beach State University, Forty-Niner Shops, Inc.
985. Los Alamos Community Services District
986. Los Angeles County Area 'E' Civil Defense and Disaster Board
987. Los Angeles County Development Authority

Exhibit C  
Page 24

988. Los Angeles County Law Library
989. Los Angeles County Sanitation District No. 2
990. Los Angeles County West Vector Control District
991. Los Angeles Memorial Coliseum Commission
992. Los Angeles Regionalized Insurance Services Authority
993. Los Gatos-Saratoga Department of Community Education and Recreation
994. Los Osos Community Services District
995. Lower Lake Cemetery District
996. Lower Lake County Waterworks District No. 1
997. Lower Tule River Irrigation District
998. Madera Cemetery District
999. Madera County Mosquito and Vector Control District
1000. Main San Gabriel Basin Watermaster
1001. Majestic Pines Community Services District
1002. Mammoth Lakes Fire District
1003. Mammoth Lakes Mosquito Abatement District
1004. Management of Emeryville Services Authority
1005. March Joint Powers Authority
1006. Marin Children and Families Commission
1007. Marin Community College District
1008. Marin County Housing Authority
1009. Marin County In-Home Supportive Services Public Authority
1010. Marin Municipal Water District
1011. Marina Coast Water District
1012. Marinwood Community Services District
1013. Mariposa Public Utility District
1014. Maxwell Public Utility District
1015. McCloud Community Services District
1016. McFarland Recreation and Park District
1017. McKinleyville Community Services District
1018. Meeks Bay Fire Protection District
1019. Meiners Oaks County Water District
1020. Mendocino City Community Services District
1021. Mendocino County Russian River Flood Control & Water Conservation  
Improvement District
1022. Mendocino Transit Authority
1023. Menlo Park Fire Protection District
1024. Merced County Housing Authority
1025. Merced County Mosquito Abatement District
1026. Merced Irrigation District
1027. Mesa Water District
1028. Metropolitan Transportation Commission
1029. Metropolitan Water District of Southern California

Exhibit C

Page 25

- 1030. Midpeninsula Regional Open Space District
- 1031. Mid-Peninsula Water District
- 1032. Mid-Placer Public Schools Transportation Agency
- 1033. Midway City Sanitary District
- 1034. Midway Heights County Water District
- 1035. Millview County Water District
- 1036. Minter Field Airport District
- 1037. Mission Springs Water District
- 1038. Mojave Air and Space Port
- 1039. Mojave Water Agency
- 1040. Mokelumne Rural Fire District
- 1041. Monte Vista County Water District
- 1042. Montecito Fire Protection District
- 1043. Montecito Sanitary District of Santa Barbara County
- 1044. Montecito Water District
- 1045. Monterey Bay Unified Air Pollution Control District
- 1046. Monterey County Regional Fire Protection District
- 1047. Monterey County Water Resources Agency
- 1048. Monterey One Water
- 1049. Monterey Peninsula Airport District
- 1050. Monterey Peninsula Regional Park District
- 1051. Monterey Peninsula Water Management District
- 1052. Monterey Regional Waste Management District
- 1053. Monterey-Salinas Transit District
- 1054. Montezuma Fire Protection District
- 1055. Morongo Basin Transit Authority
- 1056. Mother Lode Job Training Agency
- 1057. Moulton-Niguel Water District
- 1058. Mountains Recreation and Conservation Authority
- 1059. Mountain-Valley Library System
- 1060. Mt. San Antonio College Auxiliary Services
- 1061. MT. View Sanitary District of Contra Costa County
- 1062. Municipal Pooling Authority
- 1063. Municipal Water District of Orange County
- 1064. Murphys Sanitary District
- 1065. Murrieta Fire Protection District
- 1066. Murrieta Valley Cemetery District
- 1067. Napa County Mosquito Abatement District
- 1068. Napa County Resource Conservation District
- 1069. Napa Sanitation District
- 1070. Napa Valley Transportation Authority
- 1071. National Orange Show
- 1072. Natomas Fire Protection District



Exhibit C  
Page 26

- 1073. Nevada Cemetery District
- 1074. Nevada County Consolidated Fire District
- 1075. Nevada County Local Agency Formation Commission
- 1076. Nevada County Resource Conservation District
- 1077. Nevada Irrigation District
- 1078. Newcastle, Rocklin, Gold Hill Cemetery District
- 1079. Nipomo Community Services District
- 1080. North Bay Cooperative Library System
- 1081. North Bay Regional Center
- 1082. North Bay Schools Insurance Authority
- 1083. North Central Counties Consortium
- 1084. North Coast County Water District
- 1085. North Coast Railroad Authority
- 1086. North Coast Unified Air Quality Management District
- 1087. North County Dispatch Joint Powers Authority
- 1088. North County Fire Protection District of Monterey County
- 1089. North County Fire Protection District of San Diego County
- 1090. North County Transit District
- 1091. North Delta Water Agency
- 1092. North Kern Cemetery District
- 1093. North Kern Water Storage District
- 1094. North Kern-South Tulare Hospital District
- 1095. North Los Angeles County Regional Center, Inc.
- 1096. North Marin Water District
- 1097. North of the River Municipal Water District
- 1098. North of the River Recreation and Park District
- 1099. North State Cooperative Library System
- 1100. North Tahoe Fire Protection District
- 1101. North Tahoe Public Utility District
- 1102. Northern California Power Agency
- 1103. Northern California Special Districts Insurance Authority
- 1104. Northern Salinas Valley Mosquito Abatement District
- 1105. Northern Sierra Air Quality Management District
- 1106. Northshore Fire Protection District
- 1107. Northstar Community Services District
- 1108. Northwest Mosquito and Vector Control District
- 1109. Novato Sanitary District
- 1110. Oakdale Irrigation District
- 1111. Oakdale Rural Fire Protection District
- 1112. Oakland City Housing Authority
- 1113. Oceano Community Services District
- 1114. Ojai Valley Sanitary District
- 1115. Olcese Water District

Exhibit C  
Page 27

- 1116. Olivenhain Municipal Water District
- 1117. Olympic Valley Public Service District
- 1118. Omnitrans
- 1119. Ophir Hill Fire Protection District
- 1120. Orange County Health Authority
- 1121. Orange County Transportation Authority
- 1122. Orange County Vector Control District
- 1123. Orchard Dale Water District
- 1124. Orland Cemetery District
- 1125. Oro Loma Sanitary District
- 1126. Orosi Public Utility District
- 1127. Oroville Cemetery District
- 1128. Otay Water District
- 1129. Oxnard Harbor District
- 1130. Pacific Fire Protection District
- 1131. Padre Dam Municipal Water District
- 1132. Pajaro Valley Fire Protection Agency
- 1133. Pajaro Valley Public Cemetery District
- 1134. Pajaro Valley Water Management Agency
- 1135. Palm Ranch Irrigation District
- 1136. Palmdale Water District
- 1137. Palo Verde Valley District Library
- 1138. Palos Verdes Library District
- 1139. Paradise Recreation and Park District
- 1140. Pasadena City College Bookstore
- 1141. Paso Robles City Housing Authority
- 1142. Patterson Irrigation District
- 1143. Pauma Valley Community Services District
- 1144. Peardale Chicago Park Fire Protection District
- 1145. Pebble Beach Community Services District
- 1146. Peninsula Fire Protection District
- 1147. Peninsula Health Care District
- 1148. Peninsula Traffic Congestion Relief Alliance
- 1149. Penn Valley Fire Protection District
- 1150. Personal Assistance Services Council
- 1151. Phelan Pinon Hills Community Services District
- 1152. Pico Water District
- 1153. Pine Cove Water District
- 1154. Pine Grove Mosquito Abatement District
- 1155. Pinedale County Water District
- 1156. Pioneer Cemetery District
- 1157. Pixley Irrigation District
- 1158. Placer County Cemetery District No. 1

Exhibit C  
Page 28

- 1159. Placer County Resource Conservation District
- 1160. Placer County Transportation Planning Agency
- 1161. Placer County Water Agency
- 1162. Placer Hills Fire Protection District
- 1163. Placer Mosquito and Vector Control District
- 1164. Planning and Service Area II Area Agency on Aging
- 1165. Pleasant Hill Recreation and Park District
- 1166. Pleasant Valley County Water District
- 1167. Pleasant Valley Recreation and Park District
- 1168. Plumas Eureka Community Services District
- 1169. Plumas Local Agency Formation Commission
- 1170. Pomerado Cemetery District
- 1171. Pomona Valley Transportation Authority
- 1172. Pomona, Calif State Polytechnic University, Associated Students, Inc.
- 1173. Port San Luis Harbor District
- 1174. Porter Vista Public Utility District
- 1175. Porterville Irrigation District
- 1176. Porterville Public Cemetery District
- 1177. Public Cemetery District No. 1 of Kern County
- 1178. Public Entity Risk Management Authority
- 1179. Public Risk Innovation, Solutions and Management
- 1180. Public Transportation Services Corporation
- 1181. Pupil Transportation Cooperative
- 1182. Purissima Hills Water District
- 1183. Quartz Hill Water District
- 1184. Quincy Community Services District
- 1185. Rainbow Municipal Water District
- 1186. Ramona Municipal Water District
- 1187. Rancho Adobe Fire Protection District
- 1188. Rancho California Water District
- 1189. Rancho Cucamonga Fire Protection District
- 1190. Rancho Murieta Community Services District
- 1191. Rancho Santa Fe Fire Protection District
- 1192. Rancho Santiago Community College Associated Students
- 1193. Rancho Simi Recreation & Park District
- 1194. Reclamation District No. 1000
- 1195. Reclamation District No. 1001
- 1196. Reclamation District No. 1660
- 1197. Reclamation District No. 3
- 1198. Reclamation District No. 833
- 1199. Reclamation District No. 999
- 1200. Red Bluff Cemetery District
- 1201. Redwood Coast Regional Center



Exhibit C  
Page 29

- 1202. Redwood Empire Municipal Insurance Fund
- 1203. Redwood Empire School Insurance Group
- 1204. Reedley Cemetery District
- 1205. Regional Center of Orange County
- 1206. Regional Center of the East Bay
- 1207. Regional Housing Authority
- 1208. Regional Water Authority
- 1209. Rescue Fire Protection District
- 1210. Resort Improvement District No. 1
- 1211. Resource Conservation District of the Santa Monica Mountains
- 1212. Richardson Bay Sanitary District
- 1213. Rincon Del Diablo Municipal Water District
- 1214. Rio Alto Water District
- 1215. Rio Linda Elverta Community Water District
- 1216. Rio Vista-Montezuma Cemetery District
- 1217. Riverbank City Housing Authority
- 1218. Riverside County Air Pollution Control District
- 1219. Riverside County Department of Waste Resources
- 1220. Riverside County Flood Control and Water Conservation District
- 1221. Riverside County Law Library
- 1222. Riverside County Regional Park and Open Space District
- 1223. Riverside County Transportation Commission
- 1224. Riverside Transit Agency
- 1225. Rosamond Community Services District
- 1226. Rose Bowl Operating Company
- 1227. Rosedale-Rio Bravo Water Storage District
- 1228. Roseville Public Cemetery District
- 1229. Ross Valley Fire Department
- 1230. Ross Valley Sanitary District
- 1231. Rowland Water District
- 1232. Rubidoux Community Services District
- 1233. Running Springs Water District
- 1234. Rural County Representatives of California
- 1235. Sacramento Area Council of Governments
- 1236. Sacramento Area Flood Control Agency
- 1237. Sacramento City Housing Authority
- 1238. Sacramento County Public Law Library
- 1239. Sacramento Groundwater Authority
- 1240. Sacramento Metropolitan Air Quality Management District
- 1241. Sacramento Metropolitan Cable Television Commission
- 1242. Sacramento Metropolitan Fire District
- 1243. Sacramento Municipal Utility District
- 1244. Sacramento Public Library Authority

Exhibit C  
Page 30

- 1245. Sacramento Regional Fire/EMS Communications Center
- 1246. Sacramento Suburban Water District
- 1247. Sacramento Transportation Authority
- 1248. Sacramento-Yolo Mosquito and Vector Control District
- 1249. Salida Fire Protection District
- 1250. Salinas Valley Solid Waste Authority
- 1251. Salton Community Services District
- 1252. Samoa Peninsula Fire Protection District
- 1253. San Andreas Regional Center, Inc.
- 1254. San Andreas Sanitary District
- 1255. San Benito County Water District
- 1256. San Bernardino City Unified School District
- 1257. San Bernardino County Housing Authority
- 1258. San Bernardino County Transportation Authority
- 1259. San Bernardino Valley Municipal Water District
- 1260. San Bernardino Valley Water Conservation District
- 1261. San Diego Association of Governments
- 1262. San Diego Community College District
- 1263. San Diego County Law Library
- 1264. San Diego County Water Authority
- 1265. San Diego Metropolitan Transit System
- 1266. San Diego State University Associated Students
- 1267. San Diego Trolley, Inc.
- 1268. San Diego Unified School District
- 1269. San Dieguito Water District
- 1270. San Elijo Joint Powers Authority
- 1271. San Francisco Bay Area Rapid Transit District
- 1272. San Francisco Bay Area Water Emergency Transportation Authority
- 1273. San Francisco City and County Housing Authority
- 1274. San Francisco Community College District Bookstore Auxiliary
- 1275. San Francisco County Transportation Authority
- 1276. San Francisco Health Authority
- 1277. San Francisco Law Library
- 1278. San Francisquito Creek Joint Powers Authority
- 1279. San Gabriel County Water District
- 1280. San Gabriel Valley Council of Governments
- 1281. San Gabriel Valley Mosquito and Vector Control District
- 1282. San Gabriel Valley Municipal Water District
- 1283. San Geronio Pass Water Agency
- 1284. San Jacinto Valley Cemetery District
- 1285. San Joaquin County Housing Authority
- 1286. San Joaquin County IHSS Public Authority
- 1287. San Joaquin Delta Community College District

Exhibit C  
Page 31

- 1288. San Juan Water District
- 1289. San Lorenzo Valley Water District
- 1290. San Luis Obispo Cal Poly Associated Students, Inc.
- 1291. San Luis Obispo Council of Governments
- 1292. San Luis Water District
- 1293. San Mateo Consolidated Fire Department
- 1294. San Mateo County Harbor District
- 1295. San Mateo County In-Home Supportive Services Public Authority
- 1296. San Mateo County Law Library
- 1297. San Mateo County Schools Insurance Group
- 1298. San Mateo County Transit District
- 1299. San Miguel Community Services District
- 1300. San Miguel Consolidated Fire Protection District
- 1301. San Simeon Community Services District
- 1302. Sanger Cemetery District
- 1303. Sanitary District No. 5 of Marin County
- 1304. Santa Ana River Flood Protection Agency
- 1305. Santa Ana Unified School District
- 1306. Santa Ana Watershed Project Authority
- 1307. Santa Barbara County Law Library
- 1308. Santa Barbara County Special Education Local Plan Area
- 1309. Santa Barbara Regional Health Authority
- 1310. Santa Clara County Central Fire Protection District
- 1311. Santa Clara County Health Authority
- 1312. Santa Clara County Housing Authority
- 1313. Santa Clara County Law Library
- 1314. Santa Clara County Schools Insurance Group
- 1315. Santa Clara Valley Open Space Authority
- 1316. Santa Clara Valley Transportation Authority
- 1317. Santa Clara Valley Water District
- 1318. Santa Clarita Valley School Food Services Agency
- 1319. Santa Clarita Valley Water Agency
- 1320. Santa Cruz County Law Library
- 1321. Santa Cruz County Regional Transportation Commission
- 1322. Santa Cruz Local Agency Formation Commission
- 1323. Santa Cruz Metropolitan Transit District
- 1324. Santa Cruz Port District
- 1325. Santa Cruz Regional 9-1-1
- 1326. Santa Fe Irrigation District
- 1327. Santa Margarita Water District
- 1328. Santa Maria Public Airport District
- 1329. Santa Monica Community College District
- 1330. Santa Nella County Water District



Exhibit C  
Page 32

- 1331. Santa Paula City Housing Authority
- 1332. Santa Ynez River Water Conservation District, Improvement District No. 1
- 1333. Santos Manuel Student Union of California State University, San Bernardino
- 1334. Sausalito-Marín City Sanitary District
- 1335. Schell Vista Fire Protection District
- 1336. School Risk And Insurance Management Group
- 1337. Schools Excess Liability Fund
- 1338. Schools Insurance Authority
- 1339. Scotts Valley Fire Protection District
- 1340. Scotts Valley Water District
- 1341. Selma Cemetery District
- 1342. Selma-Kingsburg-Fowler County Sanitation District
- 1343. Serrano Water District
- 1344. Sewer Authority Mid-Coastside
- 1345. Sewerage Commission-Oroville Region
- 1346. Shafter Wasco Irrigation District
- 1347. Shasta Area Safety Communications Agency
- 1348. Shasta Community Services District
- 1349. Shasta Lake Fire Protection District
- 1350. Shasta Mosquito and Vector Control District
- 1351. Shasta Regional Transportation Agency
- 1352. Shasta Valley Cemetery District
- 1353. Shiloh Public Cemetery District
- 1354. Sierra Lakes County Water District
- 1355. Sierra-Sacramento Valley Emergency Medical Services Agency
- 1356. Silicon Valley Animal Control Authority
- 1357. Silicon Valley Clean Water
- 1358. Silveyville Cemetery District
- 1359. Solano Cemetery District
- 1360. Solano County Mosquito Abatement District
- 1361. Solano County Water Agency
- 1362. Solano Irrigation District
- 1363. Solano Transportation Authority
- 1364. Sonoma County Fire District
- 1365. Sonoma County Junior College District
- 1366. Sonoma County Library
- 1367. Sonoma Marin Area Rail Transit District
- 1368. Sonoma State Enterprises, Inc.
- 1369. Sonoma Student Union Corporation
- 1370. Soquel Creek Water District
- 1371. South Bay Regional Public Communications Authority
- 1372. South Central Los Angeles Regional Center for Developmentally Disabled Persons

Exhibit C  
Page 33

- 1373. South Coast Water District
- 1374. South County Support Services Agency
- 1375. South Feather Water and Power Agency
- 1376. South Kern Cemetery District
- 1377. South Orange County Wastewater Authority
- 1378. South Placer Fire District
- 1379. South Placer Municipal Utility District
- 1380. South San Joaquin Irrigation District
- 1381. South San Luis Obispo County Sanitation District
- 1382. South Tahoe Public Utility District
- 1383. Southeast Area Social Services Funding Authority
- 1384. Southern California Association of Governments
- 1385. Southern California Library Cooperative
- 1386. Southern California Public Power Authority
- 1387. Southern California Regional Rail Authority
- 1388. Southern San Joaquin Municipal Utility District
- 1389. Southern Sonoma County Resource Conservation District
- 1390. Southwest Transportation Agency
- 1391. Special District Risk Management Authority
- 1392. Stallion Springs Community Services District
- 1393. Stanislaus Consolidated Fire Protection District
- 1394. Stanislaus Regional Housing Authority
- 1395. State Bar of California
- 1396. State Center Community College District
- 1397. State Water Contractors
- 1398. Stege Sanitary District
- 1399. Stinson Beach County Water District
- 1400. Stockton East Water District
- 1401. Stockton Unified School District
- 1402. Strawberry Recreation District
- 1403. Successor Agency to the Redevelopment Agency of the City of Fresno
- 1404. Successor Agency to the Redevelopment Agy of the City & County of San Francisco
- 1405. Suisun Fire Protection District
- 1406. Suisun Resource Conservation District
- 1407. Summit Cemetery District
- 1408. Sunnyslope County Water District
- 1409. Susanville Sanitary District
- 1410. Sutter Cemetery District
- 1411. Sweetwater Authority
- 1412. Sweetwater Springs Water District
- 1413. Sylvan Cemetery District
- 1414. Tahoe City Public Utility District

Exhibit C

Page 34

- 1415. Tahoe Resource Conservation District
- 1416. Tahoe-Truckee Sanitation Agency
- 1417. Tehachapi Valley Recreation and Park District
- 1418. Tehachapi-Cummings County Water District
- 1419. Tehama County Mosquito Abatement District
- 1420. Temescal Valley Water District
- 1421. Templeton Community Services District
- 1422. Thermalito Water and Sewer District
- 1423. Three Rivers Community Services District
- 1424. Three Valleys Municipal Water District
- 1425. Tiburon Fire Protection District
- 1426. Trabuco Canyon Water District
- 1427. Tracy Rural County Fire Protection District
- 1428. Transbay Joint Powers Authority
- 1429. Transportation Agency for Monterey County
- 1430. Transportation Authority of Marin
- 1431. Treasure Island Development Authority
- 1432. Tri-City Mental Health Center
- 1433. Tri-Counties Association for the Developmentally Disabled
- 1434. Tri-County Schools Insurance Group
- 1435. Tri-Dam Project
- 1436. Trindel Insurance Fund
- 1437. Trinity Public Utilities District
- 1438. Truckee Donner Public Utility District
- 1439. Truckee Fire Protection District
- 1440. Truckee Sanitary District
- 1441. Truckee Tahoe Airport District
- 1442. Tulare Mosquito Abatement District
- 1443. Tulare Public Cemetery District
- 1444. Tuolumne City Sanitary District
- 1445. Tuolumne Fire District
- 1446. Tuolumne Utilities District
- 1447. Turlock Mosquito Abatement District
- 1448. Twain Harte Community Services District
- 1449. Twentynine Palms Water District
- 1450. Twin Rivers Unified School District
- 1451. Ukiah Valley Fire District
- 1452. Union Public Utility District
- 1453. Union Sanitary District
- 1454. United Water Conservation District
- 1455. University Enterprises Corporation at CSUSB
- 1456. University Enterprises, Inc.
- 1457. University Student Center of California State University Stanislaus



Exhibit C  
Page 35

- 1458. Upland City Housing Authority
- 1459. Upper San Gabriel Valley Municipal Water District
- 1460. Utica Water and Power Authority
- 1461. Vacaville Fire Protection District
- 1462. Vacaville-Elmira Cemetery District
- 1463. Val Verde Unified School District
- 1464. Vallecitos Water District
- 1465. Vallejo Flood and Wastewater District
- 1466. Valley Center Municipal Water District
- 1467. Valley County Water District
- 1468. Valley Mountain Regional Center, Inc.
- 1469. Valley of the Moon Water District
- 1470. Valley Sanitary District
- 1471. Valley Springs Public Utility District
- 1472. Valley-Wide Recreation and Park District
- 1473. Vandenberg Village Community Services District
- 1474. Ventura College Foundation
- 1475. Ventura County Law Library
- 1476. Ventura County Schools Business Services Authority
- 1477. Ventura County Schools Self-Funding Authority
- 1478. Ventura County Transportation Commission
- 1479. Ventura Port District
- 1480. Ventura River Water District
- 1481. Victor Valley Transit Authority
- 1482. Victor Valley Wastewater Reclamation Authority
- 1483. Visalia Public Cemetery District
- 1484. Vista Irrigation District
- 1485. Walnut Valley Water District
- 1486. Wasco Recreation and Park District
- 1487. Washington Colony Cemetery District
- 1488. Water Employee Services Authority
- 1489. Water Facilities Authority
- 1490. Water Replenishment District of Southern California
- 1491. Weaverville Community Services District
- 1492. Weaverville Sanitary District
- 1493. West Almanor Community Services District
- 1494. West Basin Municipal Water District
- 1495. West Bay Sanitary District
- 1496. West Cities Communication Center
- 1497. West Contra Costa Integrated Waste Management Authority
- 1498. West Contra Costa Transportation Advisory Committee
- 1499. West County Transportation Agency
- 1500. West County Wastewater District

Exhibit C  
Page 36

1501. West End Communications Authority
1502. West Kern Water District
1503. West Stanislaus Irrigation District
1504. West Valley Mosquito and Vector Control District
1505. West Valley Sanitation District of Santa Clara County
1506. West Valley Water District
1507. West Valley-Mission Community College District
1508. Westborough Water District
1509. Western Contra Costa Transit Authority
1510. Western Municipal Water District
1511. Western Riverside Council of Governments
1512. Westlands Water District
1513. Westwood Community Services District
1514. Wheeler Ridge-Maricopa Water Storage District
1515. Wildomar Cemetery District
1516. Williams Fire Protection Authority
1517. Willow County Water District
1518. Willow Creek Community Services District
1519. Willows Cemetery District
1520. Wilton Fire Protection District
1521. Winterhaven Water District
1522. Winters Cemetery District
1523. Winters Fire Protection District
1524. Winton Water and Sanitary District
1525. Woodbridge Rural County Fire Protection District
1526. Woodlake Fire District
1527. Woodside Fire Protection District
1528. Yolo County Federal Credit Union
1529. Yolo County Housing Authority
1530. Yolo County In-Home Supportive Services Public Authority
1531. Yolo County Public Agency Risk Management Insurance Authority
1532. Yolo County Transportation District
1533. Yolo Emergency Communications Agency
1534. Yolo-Solano Air Quality Management District
1535. Yorba Linda Water District
1536. Yuba Community College District
1537. Yuba County Water Agency
1538. Yuba Sutter Transit Authority
1539. Yucaipa Valley Water District
1540. Yuima Municipal Water District

# Humboldt Community Services District

*Dedicated to providing high-quality, cost-effective water and sewer service for our customers*

August 8, 2023

Brent A. Robinson  
Aiman-Smith & Marcy  
7677 Oakport St. Suite 1150  
Oakland, CA 94621

Re: a) Claim of Cari McCormick  
b) Notice of Insufficiency of Claim Filed with Humboldt Community Services District

Dear Mr. Robinson:

Your claim received by the Humboldt Community Services District on August 2, 2023 failed to substantially comply with the California Government Code §910, §910.2, §910.4 and/or §910.8. It was insufficient for failing to provide the following information:

The date, place, and facts describing the circumstances of the event, occurrence or transaction with Humboldt Community Services District which you claim caused the injury to the claimant.

The name or names of the public employee or employees at Humboldt Community Services District causing the injury, damage or loss, if known.

You may correct the insufficiency by filing an amended claim supplying the missing information listed above. You have 15 days after the date of this letter or six (6) months from the date of the alleged accident, whichever is later, in which to file this amended claim. If you fail to provide the missing information, your claim MAY be rejected and you may also lose the right to initiate a lawsuit.

Sincerely,

Terrence K. Williams  
General Manager



August 15, 2023

RECEIVED  
AUG 16 2023

VIA UPS NEXT DAY DELIVERY

Clerk, Secretary, Auditor, or Governing Body  
c/o Terrence K. Williams, General Manager  
Humboldt Community Services District  
5055 Walnut Drive  
Eureka, CA 95503

HUMBOLDT COMMUNITY  
SERVICES DISTRICT

*Re: McCormick v. CalPERS et al.*

Dear Terrence K. Williams:

As you know, my firm represents Cari McCormick. Thank you for your letter dated August 8, 2023. I respond to each of the points you raised in your letter.

First, your contention that Ms McCormick failed to substantially comply with section 910 is mistaken. Indeed, it appears you neglected to review Exhibit B to her claim, which is captioned, "Required Claim Information (Gov. Code § 910)," and which is reproduced in relevant part below:

**Exhibit B – Required Claim Information (Gov. Code § 910)**

Name of Claimant:	Cari McCormick
Address of Claimant, and Address Where Notices re Claim Should Be Sent:	Cari McCormick c/o Brent A. Robinson Aiman-Smith & Marcy, PC 7677 Oakport Street, Suite 1150 Oakland, CA 94621
Date, Place, and Other Circumstances of the Occurrence or Transaction which Gave Rise to the Claim Asserted:	Following a decision in favor of Ms McCormick by the First District Court of Appeal in 2019, CalPERS granted Ms McCormick ordinary disability retirement. For additional information about facts giving rise to claim asserted, see Exhibit A.
A General Description of the Loss Incurred:	See Exhibit A for detailed factual narrative.
The Name or Names of the Public Employees Causing the Injury, Damage, or Loss, if Known:	Unknown.
The Amount Claimed If Less than \$10k:	The amount claimed exceeds \$10k.

Note: This Claim is presented on behalf of a class of similarly situated persons. Claimant is the proposed representative claimant. The class description is provided in Exhibit A.

As you can see, and contrary to what you state in your letter, Ms McCormick's claim states all the information required by section 910. That includes stating the date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted, as required by section 910(c). Her claim also stated a "general description" of the indebtedness, obligation, injury, damage, or loss incurred "so far as it may be known at the time of presentation" within the meaning of section 910(d), with the referenced Exhibit A (captioned "Claim Narrative") containing a detailed four-page description of the same. Her claim also stated the name or names of the public employees causing the injury, damage, or loss, "if known," as required by section 910(e). Finally, her claim stated that the amount claimed exceeds \$10,000 and expressly includes class action claims brought on behalf of thousands of other public employees, which necessarily precludes proceeding via a limited civil case. *See*, § 910(f).

Moreover, claim-as-presented explains, Ms McCormick's claims concern how certain pension benefits are calculated and paid through CalPERS. Those claims are brought *on behalf of* a putative class of California public employees ("Plaintiff Class"). Those claims are brought *against* a putative class of California public entity employers who employed one or more members of the proposed plaintiff class ("Defendant Class"). Ms McCormick will propose that the State of California, as represented by the California Attorney General's Office, serve as class representative for the proposed Defendant Class.

We have reason to believe your public entity may have employed one or more members of the proposed Plaintiff Class, because your public entity contracts to pay pension benefits through CalPERS. For that reason, we served Ms McCormick's FEHA charge on your public entity pursuant to Government Code section 12962(b). In addition, to the extent the government claim presentation requirements may apply, we presented that charge as a government claim.

Second, you suggest that Ms McCormick's claims are untimely, but that position is contrary to controlling law. Ms McCormick alleged in her claim that she and other similarly situated employees continue to receive discriminatory pension payments on a monthly basis through the present, and binding precedent holds each such discriminatory payment within the limitations period is actionable. *See, Carroll v. City and County of San Francisco* (2019) 41 Cal.App.5th 805, 813.

Moreover, the discovery rule operates to extend the limitations period applicable to the putative Plaintiff Class's claims. *See, Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185, 1192; *Weatherly v. Universal Music Publ'g Grp.* (2004) 125



*Re: McCormick v. CalPERS et al.*

August 15, 2023

Page 3

Cal.App.4th 913, 918-19; *Norgart v. Upjohn Co.* (1999) 21 Cal.4th 383, 397-98; CACI 455; *Prudential Home Mortg. Co. v. Superior Court* (1998) 66 Cal.App.4th 1236, 1248; Gov. Code § 12960(e)(6)(A); *Williams v. City of Belvedere* (1999) 72 Cal.App.4th 84, 88; *Gryczman v. 4550 Pico Partners, Ltd.* (2003) 107 Cal.App.4th 1, 4-6. Here, neither Ms McCormick nor putative class members previously discovered their harm, nor did they previously know of facts that would have caused a reasonable person to suspect they had suffered harm caused by someone else's wrongful conduct. Indeed, Ms McCormick only discovered her harm, and learned of facts leading her to suspect that her harm was caused by others, within the last six months. Accordingly, her limitations period under FEHA is extended by 90 days, and her limitations period under her contract claim is extended to the date of initial injury. Thus, Ms McCormick's and the Plaintiff Class's claims are clearly timely under controlling law.

For those reasons, Ms McCormick's position is that she has complied with the presented a timely claim in compliance with the requirements of the Government Claims Act, such that your entity must now take action on Ms McCormick's claim as required by the same.

Regards,

AIMAN-SMITH & MARCY  
PROFESSIONAL CORPORATION

/s/ Brent A. Robinson

Counsel for Plaintiff Cari McCormick  
[bar@asmlawyers.com](mailto:bar@asmlawyers.com)

# Humboldt Community Services District

*Dedicated to providing high quality, cost effective water and sewer service for our customers*

## AGENDA REPORT

**For HCSD Board of Directors Regular Meeting of:** August 22, 2023

**AGENDA ITEM:** F.2.

**TITLE:** Consideration of Contributing to Public Comment for Proposed Waste Discharge Requirements Order No. R1-2023-0019 for Nordic Aquafarms California, LLC

**PRESENTED BY:** Terrence Williams, General Manager

---

### **Recommendation:**

Discuss and formulate position regarding the Discharge Permit and consider formulating a comment letter that will be sent on behalf of the District.

### **Summary:**

The Regional Waterboard will be considering approving/adopting the NPDES permit for the Nordic Aquafarm at their upcoming meeting in October. The public comment period for the NPDES permit runs until August 23, 2023.

This project proposes to use some HBMWD water which could lower the District's imported water costs however, recent project species changes indicate that the project may use seawater instead of HBMWD water.

The NPDES permit includes the use of Humboldt Bay Harbor Conservation and Recreation District's (HBHCRD) ocean outfall. Staff with the City of Eureka have cited this project and their proposal to use the HBHCRD outfall to discharge wastewater as the primary reason to disqualify the outfall for use by the City of Eureka.

The Waterboard's public notice is included in this Board Packet. Sample support letters that were drafted by Nordic Aquafarms are also included in this Board Packet.

### **Fiscal Impact:**

Currently diminimis, future unknown

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## North Coast Regional Water Quality Control Board

California North Coast Regional Water Quality Control Board  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403  
(707) 576-2220

**Notice of Public Hearing  
of  
Proposed Waste Discharge Requirements Order No. R1-2023-0019  
for  
Nordic Aquafarms California, LLC**

**NPDES No. CA1000003  
WDID No. 1B20161NHUM**

**Humboldt County**

On the basis of preliminary staff review and application of lawful standards and regulations, the North Coast Regional Water Quality Control Board (Regional Water Board) proposes to adopt National Pollutant Discharge Elimination System (NPDES), Waste Discharge Requirements Order No. R1-2023-0019 for Nordic Aquafarms California, LLC (Facility) which will be a new NPDES permit. Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD) is proposed to be a co-permittee in the NPDES permit in respect to the intake system and ocean outfall, which HBHRCD owns and operates.

This item will be open for public comment between **July 24, 2023 and August 23, 2023**. Comments and questions regarding the draft Order should be directed to Justin McSmith at [Justin.McSmith@Waterboards.ca.gov](mailto:Justin.McSmith@Waterboards.ca.gov)

### ***Public Hearing Procedures***

A public hearing to consider comments and objections to the proposed permit is scheduled for the Regional Water Board's **October 5-6, 2023** Board Meeting, or as announced in the Regional Water Board's agenda. This public meeting is currently scheduled to take place in-person and via video and teleconference at 531 K Street, Room 208, Eureka, CA 95501, but the format may be changed in the future. Please

follow the North Coast Regional Water Quality Control Board website for information on how to participate in the meeting and any updates regarding this agenda item.

Live video and audio broadcasts of the public hearing will be available via the internet and can be accessed at the CalEPA Public Meeting Live Webcasts page (<https://video.calepa.ca.gov/>). The public hearing will be recorded.

Please be aware that dates and venues may change. You can access the current agenda for changes in dates and locations at [North Coast Regional Water Quality Control Board Meetings](https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/),

([https://www.waterboards.ca.gov/northcoast/board\\_info/board\\_meetings/](https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/))

At the public hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed permit.

In order for the Regional Water Board to consider any written evidentiary material concerning this hearing, any documents, including written technical reports and other evidentiary material, must be submitted to the Regional Water Board email at [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) *attention: Justin McSmith*, **no later than 5:00 pm, on August 23, 2023**. All documents that are received timely will be distributed to the Regional Water Board members and interested persons. These records will also become a permanent part of the administrative record for this public hearing.

Except at the discretion of the Regional Water Board Chair, written material received after the above date will not be accepted. If the Chair chooses to accept late written material, that material will not be incorporated into the administrative record if doing so would prejudice any party or the Board. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, sections 648.1 and 648.4).

The Regional Water Board will accept written comments and evidence, and oral testimony at this hearing. Written comments and evidence must be submitted to the Regional Water Board **no later than 5:00pm on August 23, 2023**. Oral comments or testimony at the hearing may summarize or explain timely submitted, or late-accepted written evidence but shall not introduce new evidence. The time limit for oral testimony or comments will be set by the Regional Water Board Chair and are subject to change. These time limits normally allow no more than 20 minutes each for Regional Water Board staff and Dischargers. Other interested persons may also provide testimony at this public hearing. However, any testimony given by someone other than staff or the Discharger is limited to 5 minutes. A timer may be used, and speakers are expected to honor time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson to avoid unnecessary or repetitive testimony.

### ***Document Review***

The Proposed Permit and related documents are available at the [Regional Water Board's website for tentative orders for Board decisions](https://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/) ([https://www.waterboards.ca.gov/northcoast/board\\_decisions/tentative\\_orders/](https://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/)). Additionally, the Proposed Permit and file may be inspected or copied at the Regional Water Board office, 5550 Skylane Blvd, Suite A, Santa Rosa, California. To make an appointment for document review, please call (707) 576-2220.

Valerie M. Quinto  
Executive Officer  
July 24, 2023

230717\_JCM\_Nordic\_NPDES\_PN



Justin McSmith  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Santa Rosa, CA 95403  
Justin.McSmith@waterboards.ca.gov

Members of North Coast Regional Water Quality Control Board,

On behalf of [insert name/organization here](#), I am pleased to write this letter in support of Nordic Aquafarms' project planned for the Samoa Peninsula. Nordic Aquafarms focuses on fish welfare and environmental sustainability, and they employ proprietary recirculating aquaculture systems (RAS) with patented technology. The end-results are modules ready for land-based RAS farming – and a key solution in contributing to increasing domestically produced seafood supply without leaving a material environmental footprint.

The Nordic Aquafarms' project will provide many community benefits, including clean-up of a long-abandoned site containing hazardous materials, abandoned buildings and industrial debris. The project will also stimulate economic activity and provide a wide range of employment opportunities. In addition to what Nordic will directly contribute to our local economy, the Nordic project will be a draw for other aquaculture businesses thereby increasing economic prosperity and employment opportunities for our region.

Nordic Aquafarms has been actively engaging in our community through public meetings, site tours and stakeholder outreach. Nordic is working closely with College of the Redwoods and with Cal Poly Humboldt to ensure a steady pipeline of local qualified professionals. Nordic is also working with the Humboldt County Office of Education to introduce information to students about careers in aquaculture and to offer support in classroom educational programs.

The Nordic team has gone to great lengths to be transparent, inclusive, and comprehensive throughout their permitting efforts. We are confident that they will be a benefit to our local economy as well as to our community. Please take this letter of support into consideration as you review the National Pollutant Discharge Elimination System Permit before your Board.

Sincerely,

[Insert your signature/organization details here](#)

Date

Justin McSmith  
North Coast Regional Water Quality Control Board  
5550 Skylane Blvd., Santa Rosa, CA 95403  
Justin.McSmith@waterboards.ca.gov

Members of North Coast Regional Water Quality Control Board,

I am writing to urge your support of the Nordic Aquafarms NPDES Permit to help establish a farm producing California Yellowtail in Samoa.

This is an exciting project for our state and region. This is a significant investment in the technology of raising fish indoors in a safe and sustainable environment. Harvest of these “crops” would take place year-round providing fresh fish to the various markets hungry for yellowtail.

Nordic has gone to great lengths to meet the strict standards required by the various agencies, departments, boards, and commissions and they will be a welcome business development to the north coast region.

We hope you will approve the Nordic Aquafarm NPDES Permit, helping them while they in turn will help build a sustainable business employing many community members.

Thank You,

Name, Company or organization.

# Humboldt Community Services District

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*Dedicated to providing high quality, cost effective water and sewer service for our customers*

## AGENDA REPORT

**For HCSD Board of Directors Regular Meeting of:** August 22, 2023

**AGENDA ITEM:** F.3.

**TITLE:** Consideration of Supporting Humboldt Bay Harbor Conservation and Recreation District Application for Federal Grant Funds for the Redwood Multipurpose Marine Terminal Redevelopment Project that Includes Development of a Heavy Lift Terminal to Support the Potential Offshore Wind Project

**PRESENTED BY:** Terrence Williams, General Manager

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### **Recommendation:**

Discuss and consider supporting the Humboldt Bay Harbor Conservation and Recreation District's grant application.

### **Summary:**

The Humboldt Bay Harbor Conservation and Recreation District is seeking letters of support for a federal grant application for the development of a heavy lift terminal to support potential offshore wind projects. A heavy lift terminal within Humboldt Bay would be crucial to the long-term success of local offshore wind projects. Additionally, the facility would promote job local creation, not only in the development and construction of the facility itself but also for the long-term support of the potential offshore wind projects.

A sample letter provided by the Humboldt Bay Harbor Conservation and Recreation District is included in this Board Packet.

### **Fiscal Impact:**

Unknown

August 18, 2023

The Honorable Pete Buttigieg  
U.S. Secretary of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

**Re: Letter of Support for the Humboldt Bay Harbor District's FY2023-2024 MPDG Proposal**

Dear Secretary Buttigieg:

The Humboldt Bay Harbor, Recreation, and Conservation District (District) is seeking to fund Phase I of the Humboldt Bay Offshore Wind Heavy Lift Multipurpose Marine Terminal Project (Project), which is estimated to cost approximately \$776,500,000. The Harbor District is seeking to supply a 50% match to that total, compiled of State funding, private funding, and other potential sources. With the 50% match, the District is seeking \$388,250,000 in Federal grant funds from the FY2023-2024 MPDG Mega and INFRA grants.

To date, the State of California has appropriated \$10.45 million to initiate development of the West Coast's first offshore wind marshalling port in Humboldt Bay, California as the hub of the California and West Coast floating offshore wind industry. The Port of Humboldt Bay requires federal assistance from the Multimodal Project Discretionary Grant Opportunity (MPDG) to continue and accelerate progress on this critical climate, clean transportation, renewable energy, and employment initiative.

We are pleased to express support for the Port of Humboldt Bay Harbor, Recreation, and Conservation District's (District) application to the FY2023-2024 MPDG grants for its Redwood Multipurpose Marine Terminal Redevelopment Project.

The Project is located at the Port of Humboldt Bay, which is in a Census-Designated Rural Area that includes both Historically Disadvantaged Communities and Areas of Persistent Poverty.

The District is applying for funds to begin redevelopment of the Redwood Multipurpose Marine Terminal, which is a 180-plus acre vacant industrial site adjacent to the federal navigation channel in Humboldt Bay. The Humboldt Bay Port and the Redwood Marine Terminal (Terminal) site are ideally suited to serve the nascent floating offshore wind industry for the entire West Coast and enable localized manufacturing of critical advanced energy technologies. Whereas other ports are constrained by bridges and channels depths, Humboldt Bay has none of these constraints.

**The Project presents a new market and job creation opportunity for the District and the greater Humboldt Bay region.** Offshore wind is an emerging energy and transportation market in the U.S., with the California coast poised as the next critical location for offshore wind marshalling ports for the domestic wind industry. As the West Coast's first offshore wind Port and the premier port in California for supporting all aspects of the floating offshore wind industry, this project provides the unique opportunity for the Department of Transportation and the Federal Government to catalyze the decarbonization of the transportation sector and achieve state and federal floating offshore wind targets. Absent this investment, it is highly likely that the West Coast's floating offshore wind industry will be delayed by more than two years with further

cascading impacts due to a lack of available public funding sources capable of supporting projects of this magnitude and critical national significance.

If funded, the Project will significantly accelerate the time to market and increase the competitiveness of the U.S. offshore wind industry by reducing travel costs between manufacturing hub, marshalling port, and offshore wind farm installations on the U.S. West Coast. In addition to reduced travel and operational costs, the Project will have significant employment, safety, workforce development, community, and environmental benefits at the local and regional levels.

While the Terminal is in the earlier stages of design, Project stakeholders are working diligently to establish a balanced ecosystem for enabling the successful development of the terminal, the workforce, and the floating offshore wind industry. This includes collaborating on securing funding to establish Centers of Excellence and new High Roads Training Partnership Programs that provide diversified career paths to local and regional residents, students, members of underserved communities, Tribal governments, and those looking to enter the renewable energy and logistics industries. Similarly, Project stakeholders are heavily engaged with community-based organizations, utilities, regulators, and local businesses to identify pathways to ensuring benefits of this new industry and this project accrue equitably and permanently.

We strongly endorse this multi-phased planning and terminal construction project as an important step in advancing **State and Federal** strategic goals for offshore wind development and the transition to clean transportation technologies. I urge you to give full and fair consideration to the District's application to the MPDG Mega and INFRA grant programs.

Sincerely,

[SIGNATORY]