

**AGENDA**  
**Borrego Water District Board of Directors**  
**Special Meeting**  
**June 16, 2015 9:00 a.m.**  
**806 Palm Canyon Drive**  
**Borrego Springs, CA 92004**

**I. OPENING PROCEDURES**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda
- E. Comments from Directors and Requests for Future Agenda Items
- F. Comments from the Public and Requests for Future Agenda Items (comments will be limited to 3 minutes)

**II. CURRENT BUSINESS MATTERS**

- A. Discussion of ***ORDINANCE No. 15-01 OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING ADMINISTRATIVE FINES AND PENALTIES FOR VIOLATIONS OF DISTRICT ORDINANCES; ESTABLISHING ADMINISTRATIVE PROCEDURES GOVERNING THE IMPOSITION, ENFORCMEENT, COLLECTION, AND ADMINISTRATIVE REVIEW OF ADMINISTRATIVE FINES AND PENALTIES AND FOR VIOLATING OTHER WATER USE REGULATIONS AND RESTRICTIONS;*** and set a public hearing for July \_\_, 2015 to consider adoption of the ordinance
- B. Discussion of ***ORDINANCE No. 15-02 ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING CONSERVATION ENFORCEMENT MEASURES FOR CUSTOMERS; ESTABLISHING BASE USAGE CRITERIA; AND PROVIDING FOR FINES AND PENALTIES FOR CUSTOMERS EXCEEDING BASE USAGE ALLOCATIONS;*** and set a public hearing for July \_\_, 2015 to consider adoption of the ordinance
- C. Discussion and possible approval of ***RESOLUTION 2015-06-01 ADOPTING A POLICY REGULATING PROCEDURES FOR PRESENTING CLAIMS TO THE BORREGO WATER DISTRICT***
- D. Discussion of Executive Order B-29-15 regarding emergency twenty-five percent (25%) mandatory water use reductions amid the California drought
- E. Discussion and possible approval of First Amendment agreement, extending the existing contract with Raftelis.
- F. Discussion and possible approval of disbursement of JPIA rebate
- G. Discussion of potential agenda items for June 24<sup>th</sup> board meeting

**III. CLOSING PROCEDURE**

The next Regular Meeting of the Board of Directors is scheduled for June 24<sup>th</sup>, 2015 at the Borrego Water District.

Teleconference site available:  
7815 Rush Rose Drive, #302, Carlsbad, CA 92009

**Ordinance No. 15-01**

***ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING ADMINISTRATIVE FINES AND PENALTIES FOR VIOLATIONS OF DISTRICT ORDINANCES; ESTABLISHING ADMINISTRATIVE PROCEDURES GOVERNING THE IMPOSITION, ENFORCEMENT, COLLECTION, AND ADMINISTRATIVE REVIEW OF ADMINISTRATIVE FINES AND PENALTIES AND FOR VIOLATING OTHER WATER USE REGULATIONS AND RESTRICTIONS***

**WHEREAS**, the Borrego Water District (the “District”) is a California Water District created pursuant to the California Water District Law (Division 13 of the California Water Code, section 34000 *et seq.*), located in the County of San Diego, California, and is a local agency, as defined in section 54951 of the California Government Code; and

**WHEREAS**, California Government Code section 53069.4 provides that a local agency, as defined in California Government Code section 54951, may adopt an ordinance making any violation of any ordinance adopted by the District subject to an administrative fine or penalty, and establishing administrative procedures governing the imposition, enforcement, collection, and administrative review by the District for those administrative fines and penalties; and

**WHEREAS**, the District has adopted various ordinances regulating the use of water, and the disposal of sewer, and creating other restrictions on the use of water, and the disposal of sewer, within the District, and may adopt other regulations and restrictions in the future; and

**WHEREAS**, the Board of Directors (the “Board”) believes that establishing procedures for the imposition of fines and penalties, and establishing procedures for the administrative review of any administrative fines and penalties imposed for the violation of District ordinances, is in the best interest of the District and its residents and customers, and will allow the District to better correct violations of its ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Borrego Water District, as follows:

Section 1. Purpose.

The Board of Directors finds there is a need for an alternative method to enforce violations of ordinances of the Borrego Water District. The Board of Directors further finds that an administrative fine and penalty program is an appropriate method of enforcing violations of the District’s ordinances. The administrative fine and penalty remedy provided in this ordinance is available in addition to any other remedy authorized by law.

Section 2. Definitions.

A. Administrative notice of violation. A written notice of violation of a provision of any District ordinance, which includes imposition of an administrative fine. The written notice may be in the manner of a penalty added to a customer’s account for a violation in the amounts set forth in the applicable ordinance.

B. Administrative fine; administrative penalty. A fine or penalty imposed on the responsible person as permitted by this ordinance, or as permitted by any other regulatory ordinance adopted by the Board of Directors.

C. Customer. The party responsible for the payment of rates, fees, or other charges against the property receiving a service from the District, regardless of property ownership.

D. Enforcement officer. The General Manager, the Operations Manager, and the Administrative Manager, or any other person authorized by the General Manager to enforce the provisions of any District ordinance.

E. Hearing officer. The General Manager or such person designated by the General Manager to conduct administrative hearings pursuant to the provisions of this ordinance.

F. Responsible party; party responsible. Property owner(s) or such persons responsible for a violation of any District ordinance. A customer is a responsible party.

Section 3. Authority to enforce.

All authorized personnel shall be vested with the authority to determine whether a violation of a provision of a District ordinance exists and to issue an administrative fine or administrative penalty.

Section 4. Notice of violation.

A. Prior to issuing an administrative notice of violation, if a violation of a provision of the applicable District ordinance does not create an imminent danger to health or safety, the owner(s) or other responsible party, shall be informed of the violation, and provided a reasonable amount of time to correct, or otherwise remedy said violation. The time period provided to remedy such violation shall not exceed thirty (30) calendar days.

B. The procedures set forth in subsection A shall not be required for any violations of a District ordinance where a responsible party has exceeded established allocations of water or base level usage by a responsible party; further, the procedures set forth in subsection A shall not be required for violations of a District ordinance establishing water use regulations and restrictions.

Section 5. Administrative notice of violation.

A. Whenever an enforcement officer determines that a violation of a provision of a District ordinance has occurred, he or she shall have the authority to issue an administrative notice of violation to each responsible party for the violation.

B. Each notice of violation shall contain the following information:

1. Date of the violation;
2. Address or a definite description of the location where the violation occurred;

3. The section of the ordinance violated and a description of the violation;
4. The name of the owner or person responsible for the violation;
5. The amount of fine for the ordinance violation;
6. A description of the fine payment process, including a description of the time within which, and the place where the fine is to be paid;
7. An order requiring compliance with the District's ordinance;
8. A description of the administrative citation hearing process, including the time within which the administrative citation may be contested; and
9. The name and signature of the enforcement officer.

C. A separate administrative citation may be issued to each owner and party responsible for the violation, for each and every day, or portion thereof, during which a violation of any provision of ordinance is committed, maintained, continued, or permitted to exist.

Section 6. Service of an administrative notice of violation.

A. Service of an administrative notice of violation for violations subject to section 4(A) of this ordinance shall be by one of the following methods:

1. Personal service upon the owner or person responsible for the violation; or
2. Certified mail with return receipt requested; or
3. Posting the administrative citation in a conspicuous place on the property.

B. Service of an administrative notice of violation for violations subject to section 4(B) of this ordinance shall be by one of the following methods:

1. Personal service upon the owner or person responsible for the violation; or
2. Certified mail with return receipt requested; or
3. Posting the administrative citation in a conspicuous place on the property; or
4. Included in the responsible person's billing for water services immediately following the violation. The responsible person's billing shall also include the charge for the amount of the administrative penalty, which shall be due and payable along with the responsible person's water charges, subject to any right of review as set forth in section 10 of this ordinance.

C. Service to each property owner by certified mail shall be addressed to the address shown on the District's records, or as otherwise known. Service to each responsible party by certified mail, other than the property owner, shall be addressed to such person at his last known business or residence address as the same appears in the public records, or as otherwise known. Service to a responsible party by including in the party's billing for water services shall be by mailing the notice to the customer's address maintained in the District's records of accounts.

D. The failure of any owner or other person responsible for the violation to receive a properly addressed citation shall not affect the validity of the citation.

Section 7. Amount of fines.

The amount of administrative fine or penalty, which may be imposed for each separate violation of the same provision of the ordinance, shall be established by resolution of the Board of Directors or as set forth in the ordinance establishing the regulation that was violated. No fine or penalty may exceed two (2) times the amount of the responsible person's actual charges for water services for the billing where the penalty is imposed, if the administrative notice of violation is subject to section 4(B) of this ordinance.

Section 8. Payment of fine.

A. For those administrative notices of violation personally served, served by certified mail, or posted on the property, the payment of the administrative fine or penalty may be made in person or by mailing said sum, within fifteen (15) business days of the date of service of the notice, to the Borrego Water District (Attention: General Manager), 806 Palm Canyon Drive, Borrego Springs, CA, 92004.

B. For those administrative notices of violation served by mail and included on the customer's water bill, the payment of the administrative fine or penalty may be included in the payment of that person's water bill.

C. Any administrative fine or penalty paid pursuant to subsections A or B shall be refunded if it is determined after a review (if timely requested), that the person charged in the administrative notice of violation was not responsible for the violation, or that there was no violation as charged in the notice of violation.

D. Payment of a fine under this ordinance shall not excuse or discharge the continuation or repeated occurrence of the violation that has been charged in the administrative notice of violation.

Section 9. Hearing and administrative procedures.

A. A customer may appeal a decision, enforcement of a policy or procedure, rate, fee, charge, or penalty by submitting a written appeal to the General Manager of the District. However, the appeal rights set forth in this section shall not apply to termination of service for nonpayment of a domestic water bill. An appeal must be made in writing and submitted to the General Manager within fifteen (15) business days of the effective date of service termination (if for reasons other than nonpayment), or within thirty (30) calendar days of the effective date of any other enforcement action or decision. Any such appeal shall include the specific decision or policy, rate, charge, or penalty being challenged, a detailed description regarding the nature of the challenge, evidence supporting the challenge, the remedy requested and contact information including an email, cell phone number or other pertinent contact information.

B. A hearing on the customer's appeal will be conducted by the District's General Manager or his or her designated representative within fifteen (15) calendar days after receipt of the appeal, unless service has been terminated. If service has been terminated, the hearing will be held as soon as practicable but no later than five (5) business days of receipt of the written appeal. The customer shall be promptly notified of the date, time and place of the hearing. At the hearing, the customer shall be given a reasonable opportunity to present information in support of the customer's appeal.

The customer may waive his or her right to a hearing within the time prescribed in this section by a continuance approved by the hearing officer.

C. A failure to file a timely appeal in accordance with this section shall be deemed a waiver of the right to appeal and will be considered a failure to exhaust administrative remedies which may impact any attempt by the customer for any judicial review.

Section 10. Suspension of enforcement. In the event a Customer submits an appeal under the procedures set forth in section 9, above, or section 11, below, enforcement of the violation shall be suspended until written notice of the decision by the General Manager or his or her designated representative has been submitted to the customer. The notice of the decision shall be deemed to be submitted to the customer upon the District depositing it in the U.S. mail, addressed to the customer's last known address, and first class postage prepaid. Termination for nonpayment of a water bill is not subject to appeal and as a result, such enforcement will not be suspended.

Section 11. Appeal to Board of Directors.

Any responsible party may appeal the decision of the hearing officer to the Board of Directors. The appeal must be submitted, in writing, to the General Manager within fifteen (15) days following the date the hearing officer's notice of decision is mailed. Unless continued by the responsible party and the General Manager, the hearing on any appeal to the Board of Directors shall be conducted not less than thirty (30) calendar days following the date that the notice of decision is mailed to the responsible party. The Secretary to the Board shall set the appeal hearing before the Board of Directors at its next regularly scheduled meeting or, if continued, at any meeting of the Board of Directors occurring after the next regularly scheduled meeting. The hearing before the Board shall be conducted consistent with the hearing procedures set forth in section 9, above; provided, however, that the appeal shall be limited to those issues appealed in the matter before the hearing officer. The Board's review shall be based on the evidence presented to hearing officer as well as at the time of the hearing before the Board.

Section 12. Recovery of administrative fines, penalties, and costs.

Administrative fines or administrative penalties that are not paid within ten (10) days of the date the notice of violation is served, or, where an administrative hearing is held, within ten (10) days of the date the hearing officer mails the written decision upholding the violation, or (if appealed to the Board of Directors and the hearing officer's decision is upheld) within ten (10) days of the date that the Secretary to the Board deposits notice of the decision of the Board of Directors in the U.S. Mail, first class postage prepaid, addressed to the responsible party shall be subject to late payment penalties and administrative fees charged to cover the costs incurred by the District in enforcing the provisions of the ordinance. The District may collect any past due administrative fine, penalty, late penalty, or administrative fee by use of all available legal means.

Section 13. Administrative fine and penalty remedy not exclusive.

The administrative fine and penalty remedy provided in this ordinance is in addition to any existing remedy authorized by law, and is not to be construed as superseding or limiting any other

remedies, civil or criminal. The administrative remedy herein provided shall be cumulative and not exclusive.

Section 14. Right to judicial review.

Any person aggrieved by an administrative decision of a hearing officer upheld on appeal by the Board of Directors may obtain judicial review by filing an appeal within twenty (20) days after the mailing or personal delivery of the hearing officer's final decision. The procedure for appeal of the hearing officer's decision shall be as provided in California Government Code Section 53069.4.

Section 15. This ordinance shall be effective following its passage and adoption.

**Ordinance No. 15-02**

***ORDINANCE OF THE BOARD OF DIRECTORS OF THE BORREGO WATER DISTRICT ESTABLISHING CONSERVATION ENFORCEMENT MEASURES FOR CUSTOMERS; ESTABLISHING BASE USAGE CRITERIA; AND PROVIDING FOR FINES AND PENALTIES FOR CUSTOMERS EXCEEDING BASE USAGE ALLOCATIONS***

**WHEREAS**, the Board of Directors (the “Board”) of the Borrego Water District (the “District”) recognizes that there is a need to develop alternative methods of encouraging water conservation to halt or mitigate the rate of increase in the existing aquifer overdraft situation, while at the same time finding ways to maintain sufficient revenues for the efficient and economical operation of the District’s water enterprise; and

**WHEREAS**, the Board has previously adopted Resolution No. 2009-4-1, a “Resolution of the Board of Directors of the Borrego Water District, San Diego County, California, Adopting in Principle Tiered Water Rates Subject to Subsequent Compliance With Proposition 218 and Adopting the BWD First Conservation Management Plan,” (the “Resolution”), with the intent of encouraging water conservation by its customers in the form of conservation and incentive measures through various options; and

**WHEREAS**, the conservation and incentive measures do not include incentives such as fines and penalties for excessive use of water by the District’s customers, but relies upon voluntary efforts of the customers, but contemplates reliance on established “tiers” of rates charged to its customers, which methodology may not be the most effective measures for encouraging conservation and protecting against overdraft of the aquifer; and

**WHEREAS**, the Board has determined that additional, alternative, measures are required in order to enhance efforts to encourage water conservation on the part of the District’s water utility customers, which alternative methods include the imposition of administrative fines and penalties for water utility customers exceeding an adopted base usage measurement of water consumed by each customer during a billing cycle; and

**WHEREAS**, in order to establish administrative fines and penalties the Board must first establish them by ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the Borrego Water District, as follows:

Section 1. Purpose.

The purpose of this ordinance is to establish the framework for identifiable administrative fines and penalties that may imposed by the District for customers of the District’s water utility customers whose consumption of water exceeds the amount allocated by the Board for the billing cycle being charged. Fines and penalties collected may be used for any governmental purpose of the District; however it is the intent of this ordinance that the use of the fines and penalties should be consistent with the District’s conservation measures as outlined in that certain “BWD First Conservation Management Plan,” as identified in the Resolution.

The imposition of the administrative fines and penalties are subject to those procedures established by ordinance, as amended from time to time, by the Board. The amount of administrative fines and penalties shall not exceed the amounts set forth in this ordinance, but because the District experiences varying degrees



of overdraft (due to, adversely, sustained drought conditions or, favorably, improvements in the aquifer as a result of successful conservation efforts and other conditions that might recharge the aquifer) they shall be based upon a determination of base level usage as set by resolution of the Board from time to time and consistent with this ordinance.

Section 2. Definitions.

In addition to those terms previously defined in this ordinance, for the purposes of this ordinance, and for the purpose of any resolution to implement this ordinance, the following definitions shall apply:

A. Administrative fine; administrative penalty. A fine or penalty imposed on the responsible person as permitted by this ordinance, in the amount as may be adopted by the Board of Directors by resolution.

B. Base level usage; water allocation. An amount of water that is fixed by resolution of the Board to be an allowable amount to be consumed by the customer during any billing cycle. In no event shall the maximum base level usage or water allocation for any billing cycle be less than 20 units for each month.

C. Billing cycle. The period of time that water is delivered to a customer through the District's water facilities. The billing cycle may be monthly, bi-monthly, or whatever period of time is established between the District and the customer by agreement. The billing cycle may be prorated based on the date of the opening or closing of account, including upon the termination of services following a "shut off" notice issued by the District.

D. Customer. The party responsible (whether person, persons, or entity) for the payment of charges for water delivered by the District to the residence, business, or property. The customer does not need to own the property where the water is delivered.

E. Enforcement officer. The General Manager, the Operations Manager, and the Administrative Assistant, or any other person authorized by the General Manager to enforce the provisions of any District ordinance.

F. Responsible party; party responsible. The customer, the property owner (if arrangements are made between the property owner and the District allowing a lien to attach to the property), or such persons responsible for payment of water charges for the account.

G. Unit of water. A unit of water is the equivalent of 748 gallons.

Section 3. Establishment of administrative fines and penalties.

A. It is a violation of any District customer to use, and it is a violation for any responsible party to allow to be used, more than the base level usage of water for any billing cycle on any account. Any customer whose use exceeds the base level usage of water shall be subject to an administrative fine, or administrative penalty, in the amount of \$\_\_\_ for each unit of water, or portion thereof, in excess of the water allocation that is in effect at the time of the violation.

B. No administrative fine or administrative penalty shall exceed one hundred percent (100%) of the amount of the water charges for the billing cycle on the account for which the customer or the responsible party is determined in violation of this ordinance.

Section 4. Charge of administrative fines and penalties.

Upon a determination that an administrative fine or penalty is chargeable by this ordinance the enforcement officer shall determine the amount, provide notice of administrative fine or penalty, and charge it to the customer's account, and include the fine or penalty on the customer's bill for the next billing cycle.

Section 5. Failure to pay administrative fines or penalties.

Any administrative fines or penalties not paid, or not credited following any administrative review of the charge, shall continue to be charged to the responsible party until paid. No interest on the unpaid fines or penalties shall apply during any period of administrative review by the District. Upon a final determination of the amount of the fines or penalties payments on any account shall first be applied to the administrative fines or penalties outstanding, in the order by which they were first charged, and the balance of any payment, following the full payment of fines and penalties, shall be applied to the outstanding balance of the customer's account.

Section 6. Suspension of water allocation; administrative fines or penalties.

The District may suspend the maximum water allocation or base level usage regulation from time to time by resolution adopted by the Board.

Section 7. This ordinance shall be effective thirty days following its passage and adoption.

**RESOLUTION NO. 2015-06-01**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
BORREGO WATER DISTRICT, SAN DIEGO COUNTY, CALIFORNIA  
ADOPTING A POLICY REGULATING PROCEDURES  
FOR PRESENTING CLAIMS TO THE BORREGO WATER DISTRICT**

**WHEREAS**, the Board of Directors (the “Board”) of the Borrego Water District (the “District”) has determined that the laws governing the presentation of claims against the District under the California Tort Claims Act (California Government Code sections 900 *et seq.*) (the “Tort Claims Act”) contain certain exceptions from the requirement that claimants must follow the procedures set forth in the Tort Claims Act; and

**WHEREAS**, the Tort Claims Act provides that a local public entity may adopt a regulation prescribing procedures for the presentation of claims to address those types of claims not otherwise governed by the Tort Claims Act; and

**WHEREAS**, the Board believes it is in the best interest of the District to adopt a regulation for the presentation of claims against the District and any director, officer, or employee acting in their official capacities, for those types of claims excepted by section 905 of the Tort Claims Act, and any other applicable claims procedure requirements of State law; and

**WHEREAS**, the adoption of a regulation applicable to claims against the District, for damages or losses claimed to arise from the acts or omissions of the District or any of its directors, officers, or employees, would allow the District to properly investigate and evaluate such claims, with the potential for allowing certain claims, or portions thereof, to be approved at by the Board and thereby avoiding unnecessary costs and expenses related to litigation; and

**WHEREAS**, the adoption of a regulation applicable to claims against the District may be retroactive to July 1, 2014, which will allow the District to limit its exposure to claims accruing within one year from July 1, 2014, and not filed prior to the end of the one year period.

**NOW, THEREFORE**, the Board of Directors of Borrego Water District **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

SECTION 1. That the foregoing recitals are true, correct, and a substantive part of this Resolution.

SECTION 2. That pursuant to the authority granted to the District under section 935 of the California Government Code the District hereby adopts the Claims Procedures for Borrego Water District, as set forth in Attachment A to this Resolution, to regulate and govern the

procedures for presentation of all claims for money or damages, to person or property, to the Borrego Water District.

**ADOPTED, SIGNED AND APPROVED** this 16th day of June, 2015.

\_\_\_\_\_  
President of the Board of Directors of  
Borrego Water District

**ATTEST:**

\_\_\_\_\_  
Secretary of the Board of Directors of  
Borrego Water District

Attachment A

**Borrego Water District Policy No. \_\_\_\_\_**

**CLAIMS PROCEDURES FOR BORREGO WATER DISTRICT**

**Section 1. Authority.**

This policy is enacted pursuant to section 935 of the California Government Code.

**Section 2. Claims required.**

All claims against the Borrego Water District for money or damages not otherwise governed by the Tort Claims Act, California Government Code sections 900 *et seq.*, or another state law (hereinafter in this policy, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with section 900 thereof) for the claims to which that part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this policy.

**Section 3. Form of claim.**

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code section 910.

**Section 4. Claim prerequisite to suit.**

In accordance with California Government Code sections 935(b) and 945.6, all claims shall be presented as provided in this policy and acted upon by the Board of Directors prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of this policy.

**Section 5. Suit.**

Any action brought against the Borrego Water District upon any claim or demand shall conform to the requirements of sections 940 through 949 of the California Government Code. Any action brought against any employee of the Borrego Water District shall conform with the requirements of sections 950 through 951 of the California Government Code.

**Section 6. Claims accruing prior to effective date; retroactivity.**

This chapter shall apply to any claims accruing after the effective date of this policy. Notwithstanding the foregoing, for any claims or causes of action that have accrued prior to the effective date of the resolution adopting this policy, and which are exempt from the Tort Claims Act by Government Code section 905, this policy shall apply retroactively so that such claims that have otherwise accrued must be filed within one year of July 1, 2014.

**Section 7. Severability.**

If any section, subsection, sentence, clause or phrase of this policy is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this policy. The Board hereby declares that it would have adopted the policy and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections subsections, sentences, clauses or phrases may be declared invalid.

**FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN BORREGO WATER DISTRICT AND RAFTELIS FINANCIAL CONSULTANTS, INC.**

THIS FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN BORREGO WATER DISTRICT AND RAFTELIS FINANCIAL CONSULTANTS, INC., (hereinafter referred to as "First Amendment") is made and entered into this \_\_\_\_ day of June, 2015, by and between the **BORREGO WATER DISTRICT**, (hereinafter referred to as "District"), and **RAFTELIS FINANCIAL CONSULTANTS, INC.**, a financial consulting firm (hereinafter referred to as "Consultant").

**RECITALS**

WHEREAS, on or about September 24, 2014, District and Consultant entered into that certain Agreement for professional services (hereinafter referred to as "Agreement"); and

WHEREAS, the Agreement Article 2 provides that the Agreement shall remain in effect for a period of one year and renewals to the Agreement shall be in writing and signed by both parties; and

WHEREAS, District and Consultant now desire to extend the Agreement.

NOW, THEREFORE, in consideration of the Recitals and mutual obligations of the parties as herein expressed, District and Consultant agree as follows:

1. Term of Agreement: Due to the timing of the prop 218 process that was delay last year, an extension of one year commencing September 25, 2015, will allow Consultant and District to effectively work through the remaining work.
2. Provisions of the Agreement. Except as specifically provided in this First Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment on the day and year first written above.

**BORREGTO WATER DISTRICT**

**RAFTELIS FINANCIAL CONSULTANTS, INC.**

By: \_\_\_\_\_

By: Diane Adams \_\_\_\_\_

Title: \_\_\_\_\_

Title: Chief Financial Officer \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_