

**From:** [henkinp@earthlink.net](mailto:henkinp@earthlink.net)  
**To:** [FGG, Public Comment](#)  
**Subject:** [External] TRANSNET TAX SCAM ON NOVEMBER BALLOT  
**Date:** Monday, September 16, 2024 1:27:26 PM

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Good Morning,

Sent to use (part of this) as a ballot argument - the whole thing is good backup maybe for the website but way too long for the ballot pamphlet. Good luck!

Best, Paul

'ballot argument'

We're already paying a sales tax to SANDAG, the San Diego Association of Governments, but now it wants more. Does SANDAG, really represent the whole county? You got Robin Joy Maxson seated at the table theoretically representing half the County, and she does a great job, yet with no vote. Since SANDAG is in the tax business, I would have to call this taxation without representation.

SANDAG has also been a lousy steward of our precious tax dollars time and time again. SANDAG gave us incomplete projects, improper contracts, wasted funds, at least 7 major scandals, some not even properly investigated, with the guilty still on board. And when its toll equipment failed on the SR125, it even hid the truth from its own Board of Directors for 6 years.

For instance, item 7 on 9/13 accepted an \$850,000 grant to enhance Construction worker placement and Support. of which \$90,000 actually went to Worker placement and Support. No wonder so many people do not trust it. Onto the proposed tax:

First, this tax requires only a 50% majority, so it is a general tax.

SANDAG can spend it on whatever it wants, not just the listed projects.

In fact, if you look at the list in section 22.519, 89% of the funds from this tax may be used on things other than the listed projects and only 7% on actual road maintenance. We literally don't know what we're voting on.

Second, while section 3 (j) says that the measure is "to fund transportation priorities within the County, including funding transportation infrastructure projects by the San Diego County Regional Transportation Commission." This is basically the SANDAG Board of Directors per Public Utilities Code 132051 so do not think that it is independent.

Third, while this is billed as a sales tax, it contains both a transactions tax and a use (excise) tax, each at 0.5%, total 1% (sections 22.505 and 22.507.)

Excise and sales taxes are two different types of taxes. An excise tax is imposed on specific goods and is generally the responsibility of the merchant to pay to the government. The merchant, in turn, may or may not pass the tax on to the consumer by adding it into the price. A sales tax, on the other hand, is charged on almost everything and is collected from the consumer by the merchant who passes it on to the government. The sales tax is a percentage of the price of the good or service.

Businesses often add the cost of an excise tax directly onto the price of the taxed good, so the tax is passed onto the customer. So you may end up paying more than a half-cent tax.

Keep giving a spoiled kid more and more, and he/she will be back for even more. That's SANDAG. Our own kids and grandkids don't deserve this.

Reminder

## PARTIAL SUMMARY OF SANDAG SCANDALS

- 1- 2004 - Staff lied about financial records to justify a proposed tax increase.
- 2 - 2017 - Staff altered financial records to justify a proposed tax increase.
- 3 - 2019 - CEO Awarded Staff Bonusses without asking the Board of Directors
- 4 - 2022 - Staff used improper perks on business trips, non-business expenses.
- 5 - 2022 - Payouts on contracts were increased improperly
- 6 - 2022 - Contracts awarded without amounts, signatures
- 7 - 2023 - SR-125 toll system, payer accounts wrong 6 yrs. - Board not told until 2023.

### Sections:

22.503 - Says that the purpose is "to impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) and Section 7285.5 of Part 1.7...of the Revenue and Taxation Code, ... which shall be operative if a majority of the electors voting on the measure approve the imposition of the tax..."

That is not what Revenue & Tax Code Section 7285.5 says. It says that a sales tax for eminder:a general purpose may be approved by 50% + one, but a special purpose tax must be approved by 2/3.

**R & T Code 7285:** The board of supervisors of any county may levy, increase, or extend a transactions and use tax throughout the entire county or within the unincorporated area of the county **for general purposes** at a rate of 0.125 percent or a multiple thereof, if the ordinance proposing that tax is approved by a two-thirds vote of all members of the board of supervisors and the tax is approved by a **majority vote of the qualified voters of the entire county** if levied on the entire county or the unincorporated area of the county if levied on the unincorporated area of the county, voting in an election on the issue. The board of supervisors may levy, increase, or extend more than one transaction and use tax under this section, if the adoption of each tax is in the manner prescribed in this section. The transactions and use tax shall conform to Part 1.6 (commencing with Section 7251). The revenues derived from the imposition of a tax pursuant to this section shall only be used for general

purposes within the area for which the tax was approved by the qualified voters.

(Amended by Stats. 2014, Ch. 148, Sec. 1. (AB 2119) Effective January 1, 2015.)

7285.3. The combined rate of all taxes imposed in any county pursuant to this chapter and pursuant to Part 1.6 (commencing with Section 7251) shall not exceed the rate specified in Section 7251.1.

(Amended by Stats. 2013, Ch. 76, Sec. 184. (AB 383) Effective January 1, 2014.)

7285.5. (a) As an alternative to the procedure set forth in Section 7285, the board of supervisors of any county may levy, increase, or extend a transactions and use tax throughout the entire county or within the unincorporated area of the county, as applicable, for **specific purposes**. The tax may be levied, increased, or extended at a rate of 0.125 percent, or a multiple thereof, for the purpose for which it is established, if **all** of the following requirements are met:

(1) The ordinance proposing that tax is approved by a two-thirds vote of all members of the board of supervisors and is subsequently approved by a **two-thirds vote of the qualified voters of the entire county** if levied on the entire county or the unincorporated area of the county if levied on the unincorporated area of the county, voting in an election on the issue.

(2) The transactions and use tax conforms to the Transactions and Use Tax Law Part 1.6 (commencing with Section 7251).

(3) The ordinance includes an expenditure plan describing the **specific** projects for which the revenues from the tax may be expended.

**[List in the ordinance is not specific]**

22.513 Prohibiting interference (even by Court order) with collecting this tax, may be a prior restraint and therefore Unconstitutional.

22.519 - Funds to be used for: 50% on capital projects related to transit [a somewhat nebulous definition]; 27% on projects related to road and highway traffic flow [managed lanes, administrative costs?] and commuter safety [ours or those on the roads - I am thinking of the picture I saw of a bike path crossing a busy street or between the parking and the curb?]; 7% on roads maintenance - potholes, storm drains, repaving [3.5% to the cities, 3.5% to the County]; and 12% on transit operations and maintenance; 2% for rail service maintenance and 2% for admin costs [what a joke- I can guarantee the audit committee will be busy from the getgo]

So, 77% on capital and safety projects, 14% on rail & transit operations, 2% admin, and only 7% on roads.

89% of the funds from this tax may be used on things other than the listed projects and only 7% on actual road maintenance. We literally don't know what we're voting on.

22.520 - The Taxpayer Oversight Committee [for the annual audit] shall be appointed. Having 11 members (most not involved in finance/auditing guarantees a lot of arguing.

Subsection (c) says they will use the services of an independent financial auditor, which is good that it is not in-house but is an added expense to the in-house bureaucracy.

#### **"REFORM CALIFORNIA" INVESTIGATIVE MEDIA ARTICLE**

### **SANDAG Has Failed Both Drivers and Taxpayers — and Now a Complete Overhaul is Needed - January 26, 2023 (excerpts)**

San Diegans are being forced to drive on some of the worst roads in the nation – but we've been paying the highest gas and car taxes in the nation and have been paying an extra sales tax for road repairs for nearly 40 years. So where is all the money going?

Local politicians have repeatedly diverted our road repair funds from projects we were promised. For example, in 1987 and again in 2004, local politicians put the TransNet tax hike on the ballot to raise our local sales taxes and included language on the ballot promising the funds would be "earmarked" for specific projects.

[sound familiar?]

The “promised” projects included widening Interstates 5, 8, 15 and 805 and Highways 52, 56, 67, and 78. The result? Only a partial expansion has been completed on I-15 with a completely inadequate expansion underway on I-5. In fact, 15 promised projects from TransNet remain unfinished. [as of Jan. 2023]

In light of the projects not getting done, questions were raised as to whether this is a case of dishonesty or theft. The answer is “both.”

At the center of this scam is an agency called the San Diego Association of Governments (SANDAG) - the supposed regional transportation authority for San Diego County. Not only has SANDAG not fixed our roads as promised, but it has found itself mired in controversies over the years for its policies and missteps.

1 - When SANDAG sought to extend the TransNet Tax in 2004, they knowingly outright lied to voters on the ballot measure for their support. Independent investigations now show that the SANDAG Board knew the TransNet extension would not bring in the \$14 billion in revenue needed for the projects they promised on the ballot.

2 - So far, SANDAG has collected 25 percent less revenue under TransNet than it promised voters on the ballot (\$9 billion vs. 16 billion.) Staff at the San Diego Association of Governments took steps to hide public records and delete official documents last year, after Voice of San Diego uncovered major errors in the revenue forecast for a tax increase that went before voters last year (Measure A).

Result: Since 2019, SANDAG has employed what’s known as the Office of the Independent Performance Auditor. Led by Mary Khoshmashrab, who previously held auditing positions at state and county agencies, the office’s five-person team is tasked with investigating potential fraud, waste and abuse.

This office exists because it was created more than five years ago by a state law that specifically targeted SANDAG: In addition to ushering in a weighted voting system that shifted power to the board representatives of the county’s largest cities, the new law also required the agency to employ an independent auditor.

Introduced by then-Assemblymember Lorena Gonzalez Fletcher, the law was in response to a SANDAG scandal that revealed officials knowingly overstated how much revenue the TransNet sales tax would generate.

3 - The first audit from Khoshmashrab's office, released in 2020, found the agency improperly made severance and bonus payments worth hundreds of thousands of dollars.

Among the audit's findings are that SANDAG management:

- Promoted and gave raises to several employees, most of them in upper management, without sufficient justification supported by good performance reviews.
- Failed to inform board members of their responsibility to enact policies governing special compensation and was generally not transparent in presenting budget information. [Still withhold info.]
- Failed to rely on comparable government agencies when completing its salary comparison surveys, instead relying on private and out-of-state agencies.
- Lacks fair, objective and competitive hiring practices and does not consistently score candidates or document the results of interviews.
- Three departing executive-level staffers received severance they were not entitled to because they left voluntarily, the report found.
- A subsequent investigation found former Executive Director Gary Gallegos, former Director of Technical Services Kurt Kroninger and John Kirk, the general counsel, went to extraordinary lengths to shield documents relating to the forecasting error from public records requests. Gallegos announced his retirement from SANDAG a week after the investigation was made public.

[Mr. Kirk is still at SANDAG]

Auditors also found promotions and raises to mostly upper-management employees that weren't sufficiently justified by performance reviews and a failure to rely on comparable public agencies for salary surveys.

Portions of the documents included in the audit were redacted, ostensibly to limit the agency's legal exposure and protect employee privacy — though some of the redactions were easily readable by copying and pasting the redacted text.

One such redaction blacks out an allegation of "harassment and/or improper treatment of staff" as well as "a cross-allegation of wrongful harassment by management against (Office of the Independent Performance Auditor) staff members."

Following that redacted text, the management response from the audit reads: "Personnel matters are subject to heightened confidentiality at SANDAG." The response states SANDAG will hire an independent firm to investigate the harassment allegations. No further details were available.

The redacted sections of the documents were made on the recommendation of SANDAG General Council John Kirk

Ikhata [the new Executive Director] acknowledged some deficiencies at SANDAG, such as outdated record keeping practices and payroll software, and pledged to make changes based on the audit's recommendations.

[typical - pledges made and not followed through on.]

4 - SANDAG staff racked up hundreds of thousands of dollars in "improper" and "questionable" payments on taxpayer-funded credit cards — including nearly \$70,000 at local restaurants and almost \$250,000 in transactions on non-working days over a four-year period, according to a March 2022 audit.

Auditors also flagged SANDAG's credit card policy, saying it lacked "basic elements" seen in other public agencies' guidelines and that staff training to understand the rules was minimal.

Subsequent reporting by inewssource found that some of the highest-paid staff used their credit cards hundreds of times, often at upscale dining spots and with bills



topping out at more than \$100 per visit. CEO Hasan Ikhata was one of the agency's most frequent spenders, charging \$17,000 in meals over roughly two years and mostly at local restaurants.

5 - The San Diego Association of Governments increased vendor contracts by tens of millions of dollars more than their original amounts, internal auditors revealed in a new report this week.

As with the regional planning agency's other spending, the Office of the Independent Performance Auditor found SANDAG's contract process lacks adequate oversight, proper documentation and sufficient employee training.

Auditors found the agency's 10 vendors with the highest percentage changes originally were awarded nearly \$48 million in work, but that total more than doubled over a four-year period to nearly \$106 million.

One vendor received a \$20 million increase, over 400% more than what its contracts initially awarded. Another vendor got nearly \$9 million more — almost a 700% increase — for what are known as on-call contracts, meaning it was among firms that have undergone a prior bidding process and are available to perform general SANDAG work when needed.

6 - The report released late Friday by SANDAG's Office of the Independent Performance Auditor flagged large contract amendments that lacked board approval, missing and poorly kept paperwork, and millions of dollars in consultant payments for work that auditors argued could have been done by in-house staff.

Auditors found SANDAG's contracts process concerning enough that they're conducting further investigation on some matters and will refer findings to outside oversight agencies.

Mary Khoshmashrab, who has headed the office since 2019, also noted that some members of management "remained unwilling to provide direct access" to certain documents over confidentiality concerns — a move that hindered the auditors' work, she said.

Among auditors' other findings:

According to the report by Independent Auditor Mary Khoshamshrab, vendor contracts during this timeframe were frequently missing information, signatures and itemized breakdowns of work performed; inadequate information for sole-sourced transactions; and material weakness with the identification of on-call and sole-source contracts and amendments.

[Pretty basic stuff. Contractors should know to do these things already without a rule or procedure.]

The audit also found inadequate administrative standard operating procedures for both contract analysts and project managers. Neither have step-by-step instruction and the procurement manual has conflicting and outdated policies and tasks.

The audit also found the “original amount” field was left blank in 447 out of 1,627 total contracts — meaning no dollar amount was assigned to the contracts. Of 308 on-call contracts (only pay for services as needed), nearly 88% were missing an original dollar amount.

Forty-four of 122 task order changes exceeded \$100,000 and did not receive specific board approval, which auditors found concerning despite being allowed under current policy.

Seventeen of 201 transactions were inappropriately dated retroactively to authorize changes after a contract or task order had already expired.

Approval documents such as cost estimates, records of negotiations and others were missing from 170 transactions.

More than 100 consultant contracts totaling some \$40 million were awarded for human resources and legal services, which auditors flagged for “overlap” with internal staff’s expected duties and qualifications.

7 - Agency officials last week acknowledged that ETAN Tolling Technology had been paid more than \$8 million for software that did not work properly — and had not over

several years. [from the start in 2018.] SANDAG is now expected to pay up to \$28 million for new software for the toll road, according to a report by Jeff McDonald of the Union-Tribune.

Tens of thousands of drivers were improperly charged while using the highway.

Khoshmashrab's office conducts investigations based on citizen and employee complaints. (That's how it found SANDAG lost some \$1.8 million in toll revenue while it kept malfunctioning equipment operating on State Route 125 for months.)

[I believe the total loss was over \$3 million plus the estimated \$28 million which will be wasted on fixing the problem, apart from using the system's designer and its supervisor to help fix it.]

The toll system figures into a wrongful-termination lawsuit filed last month. Former SANDAG finance director Lauren Warrem said top agency administrators fired her after she raised questions about whether the system could be fixed.

**From:** [henkinp@earthlink.net](mailto:henkinp@earthlink.net)  
**To:** [Asmbly Boerner-Horvath \(77\)](#); [Asmbly David Alvarez \(80 CV\)](#); [Asmbly Laurie Davis \(74\)](#); [CA Asmbly Akilah Weber \(79-La Mesa\)](#); [CA Asmbly Maienschein \(76\)](#); [CA Asmbly Marie Waldron \(75\)](#); [CA Asmbly Ward \(78\)](#); [CA Senator Blakespear](#); [CA Senator Brian Jones \(40\)](#); [CA Senator Kelly Seyarto \(32\)](#); [CA Senator Steve Padilla \(18 CV\)](#); [CA Senator Toni Atkins](#)  
**Cc:** [FGG, Public Comment](#); [SD Mayor Todd Gloria](#); [Council District 1 - Joe LaCava](#); [Council District 2 - Jennifer Campbell](#); [stephenwhitburn@sandiego.gov](mailto:stephenwhitburn@sandiego.gov); [Council District 4 - Henry Foster 3](#); [Council District 5 - Marni von Wilpert](#); [Council District 6 - Kent Lee](#); [Council District 7 - Raul Campillo](#); [Council District 8 - Vivian Moreno](#); [Council District 9 - Sean Elo-Rivera](#); [NC ex-Mayor Alejandro Sotelo-Solis](#); [School Board Services](#); [SDCC Housing Policy Advisor Naveed Haris](#); [SDUSD Kevin Beiser](#); [SDUSD Michael McQuary](#); [SDUSD Richard Barrera](#); [SDUSD Sharon Whitehurst-Payne](#); [SDUSD Zachary Patterson](#); [Take Back San Diego GD Mullen](#); [Councilmember Jack Fisher](#); [Unincorporated Cty Rep Robin Joy Maxson](#); [gaasterland@gmail.com](mailto:gaasterland@gmail.com); [jduncan@coronado.ca.us](mailto:jduncan@coronado.ca.us); [jshu@cityoflamesa.us](mailto:jshu@cityoflamesa.us); [kmelendez@cityofvista.com](mailto:kmelendez@cityofvista.com); [Luz Molina National City](#); [mario.orso@sandag.org](mailto:mario.orso@sandag.org); [SANDAG Clerk of the Board](#); [FGG, Public Comment](#); [Desmond, Jim](#); [Anderson, Joel](#); [MontgomerySteppe, Monica](#); [Vargas, Nora \(BOS\)](#); [Lawson-Remer, Terra](#); [Mayor Bill Wells El Cajon](#); [Mayor Dane White Escondido](#); [Mayor Esther Sanchez Oceanside CA](#); [Mayor John Franklin City of Vista](#); [Mayor John McCann](#); [Mayor John Minto City of Santee](#); [Mayor Keith Blackburn Carlsbad](#); [Mayor Lesa Heebner Solana Beach](#); [Mayor Mark A. La Mesa](#); [Mayor Paloma Aquirre Imperial Beach](#); [Mayor Racquel Vasquez Lemon Grove](#); [Mayor Rebecca Jones San Marcos](#); [Mayor Richard Bailey Coronado](#); [Mayor Ron Morrison National City](#); [Mayor Steve Vaus Poway.](#); [Mayor Tony Kranz Encinitas](#); [Mayor Tracy Martinez Del Mar](#)  
**Subject:** [External] LINKED-IN and AI STEALING OUR DATA?  
**Date:** Friday, September 20, 2024 11:33:39 AM

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Hi All,

Maybe it's a good thing, maybe it's not, I'd be flattered for a few moments, but maybe you don't want big computer to use the communications you thought were private.

Users can easily turn off the AI tool on their mobile devices and desktop. Just go to Settings, click "Data Privacy," then select "Data for Generative AI Improvement." From there, toggle the feature off.

Regards, Paul Henkin

[KSWB-TV San Diego](#)

## LinkedIn is using your data to train its AI. Here's how to opt out

Story by Ashleigh Jackson [09-19-2024]

(NEXSTAR) — [LinkedIn](#) confirmed that it is using personal user data to

train its artificial intelligence models after being accused of opting members in without properly notifying them.

The **Microsoft-owned** company announced in a blog post on Wednesday that it recently updated its privacy policy to clarify how it uses personal data to train its AI-powered tools, which can generate writing suggestions and post recommendations.

When members use the professional networking platform, it collects data on their activity, such as their posts, language preferences, login frequency, and any feedback they may provide.

LinkedIn said it is using this information to “fine-tune” its AI products and those belonging to **“its affiliates.” Beyond Microsoft, the other affiliates are unclear.**

**[China?]**

Forbes reported that LinkedIn automatically opted users into training these AI models, while the independent tech publication 404 Media claimed this occurred before the company updated its terms of service agreement. Nexstar has reached out to LinkedIn for comment.

Meanwhile, LinkedIn spokesman Greg Snapper told USA Today that “we’ve always been clear in our terms of service” and emphasized members have options regarding the use of their data.

**[probably in the fine print on page 102 if you read that far]**

**Users can easily turn off the AI tool on their mobile devices and desktop. Just go to Settings, click “Data Privacy,” then select “Data for Generative AI Improvement.” From there, toggle the feature off.**

“Opting out means that LinkedIn and its affiliates won’t use your personal data or content on LinkedIn to train models going forward, but **does not affect training that has already taken place**,” the company explained on its website.

LinkedIn said in its Wednesday blog post that **new updates** to its user agreement — regarding AI features, content moderation practices, and more — will **go into effect on Nov. 20**.

*For the latest news, weather, sports, and streaming video, head to FOX 5 San Diego & KUSI News.*

<https://www.msn.com/en-us/money/technology/linkedin-is-using-your-data-to-train-its-ai-here-s-how-to-opt-out/ar-AA1qSbSg?ocid=hpmsn&cvid=265fb45631894857a860751df08940ce&ei=22>

**From:** [henkinp@earthlink.net](mailto:henkinp@earthlink.net)  
**To:** [Desmond, Jim](#); [Anderson, Joel](#); [MontgomerySteppe, Monica](#); [Vargas, Nora \(BOS\)](#); [Lawson-Remer, Terra](#)  
**Cc:** [FGG, Public Comment](#)  
**Subject:** [External] WATER - MAKE IT SOLAR POWERED  
**Date:** Friday, September 20, 2024 5:11:18 PM

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Hi Supervisors,

Something for the TJ River Valley or IB you may not have known about:

Regards, Paul Henkin

### Good Good Good

## **Solar-powered generators pull clean drinking water 'from thin air,' aiding communities in need: 'It transforms lives'**

Story by Kamrin Baker

In drought-stricken areas, communities facing water shortages, or even in residential and commercial buildings eager to improve their environmental footprints, atmospheric water generators represent a new frontier in water production.

While it might sound like a tidbit from a science fiction movie, even the driest places on earth have moisture in the air that can be extracted and used for everyday necessities like plumbing and drinking.

Unlike traditional dehumidifiers, which also pull moisture from the air, AWGs utilize filtration and sterilization technology to make water safe to drink.

And while there are plenty of AWG companies out there - and the science itself isn't novel - AWGs are becoming more efficient, affordable, and revolutionary in combating water scarcity in a myriad of communities.

Aquaria Technologies, a San Francisco-based AWG startup, was founded in 2022 to help provide affordable and clean drinking water in areas most affected by climate change.

Using heat exchange and condensation, Aquaria's generators draw air into their systems, cool that air below its dew point, and as it condenses, capture that water and filter it for consumption.

As the cycle continues, the generator's refrigerant vaporizes and goes through a process that cools it back into a liquid, meaning the heat transfer cycle repeats continuously in an energy-efficient and self-sustaining system.

"I'm sure you've had the experience in the summer, you take a glass of a cold drink out of the fridge and then water droplets form on the side of the bottle," Aquaria's co-founder and CEO Brian Sheng, said in a podcast episode. "That's actually condensation."

Sheng continued: "The question is, how do we create condensation? How do we extract water out of the air in large volume and using little energy? That's what our technology does. We have created both active and passive cooling methods where we use special materials, and we've created heat exchange and recovery systems and airflow design, such that we're maximizing heat exchange, and then we're able to extract large volumes of water."

Aquaria has created a number of generators, but its stand-alone model - the Hydropack X - can replace an entire home's dependence on municipal water, producing as much as 264 gallons of potable water per day.



Other models, like the Hydrostation, can provide water for up to 1,500 people at parks, construction sites, or other outdoor public areas. The Hydropixel can make 24 gallons of water per day for a seamless at-home application, requiring a simple outlet for power.

"Atmospheric water generators present a groundbreaking solution to the global challenge of clean water scarcity, leveraging the humidity present in the air to produce potable water," the company's website explains.

"This technology is versatile, functioning efficiently across diverse climates - from arid regions to tropical settings. From rural communities in developing countries to advanced cities facing unexpected droughts, atmospheric water generators have a wide range of applications... transforming lives and providing secure, clean water sources."

Considering an estimated 2.2 billion people lack access to clean water globally - including in American cities like Flint, Michigan, or Modesto, California - innovative solutions like AWGs are vital to maintaining the basic human right to clean water.

The World Economic Forum has begun to dip its toes into this technology as well, implementing public and private partnerships to introduce AWG units in Arizona's Navajo Nation, where the machines produce about 200 gallons of clean water per day.

"When combined with an appropriate level of community engagement and triple-bottom-line business (people, planet, profit)," a blog post for WE Forum said, "this model can be a powerful stopgap solution where few exist today."

Similarly, according to New Atlas, Aquaria has a partnership with developers to supply its technology to a 1,000-home community in Hawaii later this year, relying entirely on atmospherically generated water.

The company also has a "Frontier Access Program," which partners with water-related NGOs, community project developers, and sustainable development groups to deploy this technology in areas most in need.

Regardless of their use cases - in homes, in communities facing water shortages, or at aid sites navigating natural disasters - AWGs have a minimal environmental impact. Sourcing water "from thin air," requires no plastic bottles, no large-scale plants using up loads of energy, and no byproducts that can harm the environment.

For instance, Aquaria's Hydropixel uses about 1.25 kilowatts of energy per gallon, meaning that producing a gallon of water could cost as little as a few dozen cents. Plus, the newest off-grid solar-powered models of Aquaria's Hydropack X could bring that cost per gallon even closer to zero.

"This aligns with the principles of sustainable development," Aquaria's website states, "as it reduces dependency on depleting groundwater reserves and minimizes ecological footprint."

While these generators run at a baseline cost of a few thousand dollars, the overall savings they provide could be monumental for residential, hospitality, or business communities.

Most immediately, however, is the potential to save lives.

"Our ambitious goal is to help one million people get access to water out of the air," Aquaria writes on its website. "We are focused on making atmospheric water harvesting a powerful new tool to build our climate and water resource resilience."

*This article was originally published by Good Good Good. Good Good Good celebrates good news and highlights ways to make a difference.*

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**To:** [Rob Howard](#)  
**Cc:** [Tasha Boerner Horvath](#); [Senator Catherine Blakespear](#); [FGG, Public Comment](#)  
**Subject:** [External] ARS TECHNICA: Grid-scale batteries: They're not just lithium  
**Date:** Friday, September 20, 2024 6:02:53 PM

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Non flammable more cost effective alternatives to lithium batteries.

**Grid-scale batteries: They're not just lithium**

When size and weight don't matter, lots of other battery chemistries can work.

Read in Ars Technica: <https://apple.news/A6vPmvZaORS2nNGk6lVV71A>

Shared from [Apple News](#)

**From:** [henkinp@earthlink.net](mailto:henkinp@earthlink.net)  
**To:** [Wolff, Tim](#); [Sodeman, David](#); [kprather@ucsd.edu](mailto:kprather@ucsd.edu)  
**Cc:** [FGG, Public Comment](#); [Desmond, Jim](#); [Anderson, Joel](#); [MontgomerySteppe, Monica](#); [Vargas, Nora \(BOS\)](#); [Lawson-Remer, Terra](#); [Mayor Paloma Aguirre Imperial Beach](#); [Councilmember Jack Fisher](#)  
**Subject:** [External] FIXING THE TJ RIVER VALLEY AIR QUALITY  
**Date:** Sunday, September 22, 2024 8:34:12 AM

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Hi All,

Would outhouse-type lime or baking soda (with or without vinegar) poured on the TJ River Valley sewage help get rid of the TJ River Valley sewer smell?

Probably not that expensive either, especially compared to all the suffering, lost tourism/business, doctor visits, etc., the smell causes.

Best, Paul Henkin

**From:** [Jack "](#)  
**To:** [FGG, Public Comment](#)  
**Subject:** [External] REGISTERED NURSE REPORTING INEFFECTIVE USE OF COUNTY FUNDS FOR MENTAL HEALTH  
**Date:** Sunday, September 22, 2024 11:55:35 PM

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My name is Jack Walsh, I'm a third generation San Diegian and third generation nurse. I also used to run 911 on Medic 12 in Logan Heights on SDFD Medic 12.

I have recently become employed as a county contractor providing mental health services. I would like to report dangerous situations to patients, members of our community.

I'd also like to report on ways I believe this under utilized system could be improved by combining our ER (emergency room) and CSU (crisis stabilization units) into a more cohesive unit.

-Jack Walsh RN  
760 484 8695

PS This county contractor I also reported to OSHA for not providing eye protection and one employee was exposed directly into his eye.