

**CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING AUTHORITY**

***Request to Approve a Time Extension for the  
Initial Term of the Regulatory Agreement<sup>1</sup>***

**WET  
Application No. 18-SM018**

**Tuesday, December 13, 2022**

Prepared By: *Stefani Wilde, Program Analyst*

**SUMMARY**

**Applicant** – WET

**Location** – Sun Valley, Los Angeles County

**Industry** – Water Feature Design and Manufacturing

**Project** – Expansion of Water Feature Manufacturing Facility (Advanced Manufacturing)

**Total Amount Qualified Property Approved**– \$4,927,301

**Estimated Sales and Use Tax Exclusion Amount at Approval<sup>2</sup>** – \$411,922

**Amount of Time Requested** –

- Two years and 12 days, until December 31, 2024, for the Initial Term of the Regulatory Agreement (six years, six months, and 12 days from the date of initial CAEATFA Board approval)

**Staff Recommendation** – Approval

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<sup>1</sup> All capitalized terms not defined in this document are defined in the Sales and Use Tax Exclusion Program’s statutes and regulations.

<sup>2</sup> This amount is calculated based on the average statewide sales tax, which was 8.36%.

**REQUEST**

On June 19, 2018, the CAEATFA Board approved a sales and use tax exclusion (“STE”) for WET (the “Applicant”) for the purchase of up to \$4,927,301 in Qualified Property expand its existing water feature design and manufacturing facility located in Sun Valley (the “Project”). The Regulatory Agreement (“Agreement”) initial term provided the Applicant with three years from the date of CAEATFA Board approval to utilize its STE award.<sup>3</sup> On June 15, 2021, the CAEATFA Board approved the Applicant for a one year and six month extension of the initial term of the Agreement from its original termination date of June 19, 2021 to accommodate several delays due to the COVID-19 pandemic.

As of June 30, 2022, the Applicant has used the STE to purchase \$3,452,744 of Qualified Property (70% of the total Qualified Property approved). The Applicant is requesting to extend the Agreement initial term by two years and twelve days to accommodate delays in procurement as well as previous orders being placed on hold due to the pandemic.

The CAEATFA Board can extend the initial term of the Agreement upon a finding that an extension is in the public interest and advances the purposes of the STE Program.<sup>4</sup>

According to the Applicant, several orders placed by prospective clients were cancelled, placed on hold, or suspended indefinitely. This reduced the amount of funds it received for previously scheduled projects and halted equipment procurement. The Applicant states it has resumed previous contracts and secured several new contracts and anticipates being able to complete purchases of Qualified Property by December 2024.

**THE APPLICANT**

The Applicant, a California corporation, has been in business for over 35 years. The Applicant designs, engineers, and manufactures underwater devices for water features, including nozzles, power distribution systems, and robotic parts that typically last between five and 10 years.

The major shareholders (10.0% or greater) of WET are:

Mark Fuller (100%)

The corporate officers of WET are:

Mark Fuller, Chief Executive Officer

**THE PROJECT**

The Applicant requested a sales and use tax exclusion to expand its existing water feature design and manufacturing facility located in Sun Valley. The Applicant represents that its products require advanced technology and engineering to manufacture, and that it intends to purchase high-precision tools, such as laser cutters, 3D printers, injection molding machines, and robotic welding machines. These tools and machines require a highly skilled workforce and reduce waste,

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<sup>3</sup> California Code of Regulations Title 4, Division 13, Section 10035(b)(1)

<sup>4</sup> California Code of Regulations Title 4, Division 13, Section 10035(b)(1)(B)

energy consumption, and overhead transportation costs, according to the Applicant. WET has designed water features for locations worldwide, including the Burj al Arab in Dubai and the Bellagio in Las Vegas, using component parts engineered and manufactured by the Applicant.

**AGREEMENT INITIAL TERM EXTENSION REQUEST**

The Applicant has requested that the initial term of the Agreement be extended from December 19, 2022 to December 31, 2024, in order to accommodate procurement delays as well as previous orders being placed on hold due to the pandemic.

**Staff Evaluation**

According to the Applicant, business closures during the pandemic resulted in projects being postponed, some indefinitely, as its products include water features being built in places such as a city hall in the Philippines, and museum and luxury mall in Abu Dhabi. While the projects were already scheduled, the pandemic caused the completion dates to be pushed out, and some canceled. The Applicant indicates this decreased its amount of income significantly, so much that it was unable to make Qualified Property purchases during that time. However, the Applicant states its clients have begun reopening and many projects are now scheduled to move forward, and on that account, the Applicant projects it will be able to make its final purchases of Qualified Property prior to or by December 2024.

Based on this information, Staff believes extending the initial term of the Agreement will allow for the Project to be completed, and is, therefore, in the public interest and advances the purposes of the STE Program.

**LEGAL QUESTIONNAIRE**

Staff reviewed the Applicant’s responses to the questions contained in the Legal Status portion of the Application. The responses did not disclose any information that raises questions concerning the financial viability or legal integrity of this Applicant.

**CAEATFA FEES**

In accordance with STE Program regulations,<sup>5</sup> the Applicant has paid an additional fee of \$2,000 because extending the initial term qualifies as a modification to the Applicant’s Agreement.

**RECOMMENDATION**

Staff recommends that the Board approve the Applicant’s request to extend the initial term of the Agreement by two years and 12 days to December 31, 2024, as it is in the public interest and advances the purposes of the STE Program.

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<sup>5</sup> California Code of Regulations Title 4, Division 13, Section 10036(c)(1)(B)

**Attachments**

Attachment A: WET’s letter requesting waiver (September 16, 2022)

Attachment B: WET’s staff summary at the time of approval

**RESOLUTION APPROVING A TIME EXTENSION FOR  
WET’S INITIAL TERM FOR  
THE REGULATORY AGREEMENT**

December 13, 2022

WHEREAS, on June 19, 2018 the California Alternative Energy and Advanced Transportation Financing Authority (the “Authority”), a public instrumentality of the State of California, approved a Sales Tax Exclusion (“STE”) in the amount of \$ 4,927,301 of Qualified Property for WET (the “Applicant”); and

WHEREAS, within three (3) years of approval by the Authority, the Applicant must make all Qualified Property purchases (STE Program regulations Section 10035(b)(1)); and

WHEREAS, upon a finding that it is in the public interest and advances the purposes of the Program, the Authority may waive the requirement that all purchases of Qualified Property be made within three (3) years of Application approval (STE Program regulations Section 10035(b)(1)(B)); and

WHEREAS, the Applicant previously had requested a waiver of the requirement to purchase all of the Qualified Property within three (3) years due to unexpected delays in the Project timeline, extending the term by one year and six months to December 19, 2022; and

WHEREAS, the Applicant has requested a waiver of the requirement to purchase all of the Qualified Property by December 19, 2022, due to unexpected delays in the Project timeline, extending the term by two (2) years and twelve (12) days to December 31, 2024; and

WHEREAS, granting the waiver will allow the Project to proceed and the State to receive the anticipated environmental and economic benefits that justified the initial approval of the Project in accordance with the law, thereby advancing both the public interest and the purposes of the Program.

NOW, THEREFORE, BE IT RESOLVED by the California Alternative Energy and Advanced Transportation Financing Authority, as follows:

Section 1. The Authority finds that it is in the public interest and advances the purposes of the Program to extend the Applicant’s initial term of the Regulatory Agreement to December 31, 2024.

Section 2. This resolution shall take effect immediately upon its passage.

Attachment A: WET's Letter Requesting Waiver (September 16, 2022)

**WET**

September 16, 2022

CAEATFA

To Whom It May Concern:

I would like to request a time extension on our ability to use the **sales and use tax exclusion for the purchase of Qualified Property**. We anticipate being able to fulfill our projected purchases of Qualified Property by December 2024. This specific time is needed because the pandemic has caused us to freeze the procurement of equipment due to our projects being on hold. Given that this year, 2022, has moved rapidly, there will not be enough time for us to purchase all equipment we need to purchase by the end of this year which is the amount of time that we currently have to fulfill our Qualified Property purchasing plan.

We will be able to meet the new projected timeline due to recent projects that we have contracted that will require us to purchase new equipment to meet our deliverables on time. Our amount of Qualified Property purchase to date is \$3,452,744. The scope of the project has shifted because there are new technologies we would like to implement to support our newly contracted projects that have aggressive delivery dates. There are new and improved innovations we need to implement due to the more ambitious scope of work we are obligated to deliver to our clients.

Sincerely,



Maria Villamil  
Vice President

**Attachment B: WET’s Staff Summary at the Time of Approval**

**Agenda Item – 4.A.3  
Resolution No. 18-SM018  
Application No. 18-SM018**

**CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING AUTHORITY**

*Request to Approve Project for Sales and Use Tax Exclusion (STE)<sup>1</sup>*

**WET  
Application No. 18-SM018**

**Tuesday, June 19, 2018**

Prepared By: *Melanie Holman, Program Analyst*

**SUMMARY**

**Applicant** – WET

**Location** – Sun Valley, Los Angeles County

**Industry** – Water Feature Design and Manufacturing

**Project** – Expansion of Water Feature Manufacturing Facility (Advanced Manufacturing)

**Value of Qualified Property** – \$4,927,301

**Estimated Sales and Use Tax Exclusion Amount<sup>2</sup>** – \$411,922

**Application Score** –

Fiscal Benefits Points:	2,120
<u>Environmental Benefits Points:</u>	<u>135</u>
<b>Net Benefits Score:</b>	<b>2,255</b>
<u>Additional Benefits Points:</u>	<u>155</u>
<b>Total Score:</b>	<b>2,410</b>

**Staff Recommendation** – Approval

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<sup>1</sup> All capitalized terms not defined in this document are defined in the Program’s statute and regulations.

<sup>2</sup> This amount is calculated based on the average statewide sales tax rate of 8.36%.

**THE APPLICANT**

WET (“WET” or the “Applicant”), a California corporation, has been in business for over 34 years. WET designs, engineers, and manufactures underwater devices for water features including nozzles, power distribution systems, and robotic parts that typically last between five to ten years.

The major shareholders (10.0% or greater) of WET are:  
Mark Fuller (100%)

The corporate officers of WET are:  
Mark Fuller, Chief Executive Officer

**THE PROJECT**

WET is requesting a sales and use tax exclusion to expand its existing water feature design and manufacture facility located in Sun Valley (the “Project”). The Applicant represents that its products require advanced technology and engineering to manufacture, and that it intends to purchase high-precision tools such as laser cutters, 3D printers, injection molding machines, and robotic welding machines. These tools and machines require a highly-skilled workforce and reduce waste, energy consumption, and overhead transportation costs, according to the Applicant. WET has designed water features for locations worldwide including the Burj Al Arab in Dubai and the Bellagio in Las Vegas using component parts engineered and manufactured by the Applicant itself.

*Figure 1: The Fountains of the Bellagio, Las Vegas*





**Agenda Item – 4.B.2  
Resolution No. 18-SM018-02**

**Agenda Item – 4.A.3  
Resolution No. 18-SM018  
Application No. 18-SM018**

**ANTICIPATED COSTS OF QUALIFIED PROPERTY**

The anticipated Qualified Property purchases are listed below:

Moldex 3D	\$ 84,400
Makino F5 Vertical Machining Center	244,250
PVA Delta	56,095
Nordson potting machine	49,955
Arburg Injection Molding machine	709,631
Haas DS-30Y	214,320
Haas ST-35Y	182,000
Mazak Integrex	950,000
Triform Hydroforming 25-10-12	1,295,000
Rittal Automated backplane wiring system	700,000
Atlas UV test chamber	30,000
Omax waterjet cutter	40,000
Seica Pilot V8 Flying probe tester	350,000
Ansys software	21,650
<b>Total</b>	<b><u>\$4,927,301</u></b>

*Note: The Qualified Property purchases reported in the Application and shown here in staff's report are estimated costs. At the termination of the master regulatory agreement a finalized project equipment list will be prepared detailing the value of the Project equipment acquired and detailing the actual tax benefit realized pursuant to Revenue and Tax Code Section 6010.8. Variance from the costs shown in the Application and in this report may occur prior to the closing due to increased costs of certain components (of the Project) over original estimates, and other reasons. In addition, such costs may vary after closing due also to increased costs, as well as common design and equipment modifications during construction, differences in equipment due to future changes in law or regulation, or for other reasons.*

**TIMELINE**

Facilities are currently under construction to accommodate the new machinery. The Applicant estimates project completion around October 2018.

**PROJECT EVALUATION**

**NET BENEFITS**

The Project received a Total Score of 2,410 points, which exceeds the required 1,000 point threshold, and a total Environmental Benefits Score of 135 points, which exceeds the 20 point threshold.

**Agenda Item – 4.B.2**  
**Resolution No. 18-SM018-02**

**Agenda Item – 4.A.3**  
**Resolution No. 18-SM018**  
**Application No. 18-SM018**

- A. Fiscal Benefits (2,120 points).** The net present value of the total fiscal benefits over the lifetime of the Qualified Property is derived from the Applicant’s sales taxes, personal income taxes paid by the firm’s employees, firm taxes on profits, property taxes and other indirect fiscal benefits of the Applicant, which amounts to \$873,330 resulting in a Fiscal Benefits score of 2,120 points for the Project.
- B. Environmental Benefits (135 points).** The Project will result in an Environmental Benefits Score of 135 points. The Applicant received points in the following categories:
1. **Environmental Sustainability Plan (20 of 20 points)**. The Applicant has an environmental sustainability plan for its Project that it represents will result in decreased energy and water use over time.
  2. **Energy Consumption (15 of 30 points)**. The Applicant represents that its manufacturing process will result in a 15% reduction in energy consumption relative to the industry standard manufacturing process.
  3. **Water Use (30 of 30 points)**. The Applicant represents that its manufacturing process will result in a 40% reduction in water use relative to the industry standard manufacturing process.
  4. **Solid Waste (30 of 30 points)**. The Applicant represents that its manufacturing process will result in a 40% reduction in solid waste produced relative to the industry standard manufacturing process.
  5. **Hazardous Waste (20 of 30 points)**. The Applicant represents that its manufacturing process will result in a 20% reduction in hazardous waste produced relative to the industry standard manufacturing process.
  6. **Air Pollutants (20 of 30 points)**. The Applicant represents that its manufacturing process will result in a 20% reduction in air pollutants produced relative to the industry standard manufacturing process.
  7. **Other Pollutants (0 of 30 points)**. The Applicant represents that its manufacturing process will result in a 0% reduction in other pollutants produced relative to the industry standard manufacturing process.
- C. Additional Benefits (155 points).** Applicants may earn additional points for their Total Score. The Applicant submitted information and received 155 additional points.
1. **Permanent Jobs (60 of 75 points)**. The Applicant represents that the Project will support a total of 250 permanent jobs at its Facility. CAEATFA estimates that approximately four of these jobs will be attributable to a

**Agenda Item – 4.B.2  
Resolution No. 18-SM018-02**

**Agenda Item – 4.A.3  
Resolution No. 18-SM018  
Application No. 18-SM018**

marginal increase in jobs created due to the approved STE resulting in a Permanent Jobs Score of 60 points for the Project.

2. **Construction Jobs (20 of 75 points)**. The Applicant represents that the Project will support a total of 30 construction jobs at its Facility. CAEATFA estimates that approximately one of these jobs will be attributable to a marginal increase in jobs created due to the approved STE resulting in a Construction Jobs Score of 20 points for the Project.
3. **Research and Development Facilities (25 points)**. The Applicant has verified that it has a facility located in California that performs research and development functions related to the fields of optics, physics, chemistry, and micro-electronics.
4. **Workforce Partnerships (25 points)**. The Applicant has a partnership with the State of California’s Employment Training Panel for the purpose of providing onsite and offsite training and certification for WET employees.
5. **Industry Cluster (25 points)**. The metal-working industry associated with this Application has been identified by the Los Angeles County Economic Development Corporation as an industry cluster in the region of the Project’s location.

**STATUS OF PERMITS/OTHER REQUIRED APPROVALS**

The Applicant represents that all necessary permits have been obtained.

**LEGAL QUESTIONNAIRE**

Staff reviewed the Applicant’s responses to the questions contained in the Legal Status portion of the Application. The responses did not disclose any information that raises questions concerning the financial viability or legal integrity of this Applicant.

**CAEATFA FEES**

In accordance with CAEATFA Regulations,<sup>3</sup> the Applicant has paid CAEATFA an Application Fee of \$2,463.65 and will pay CAEATFA an Administrative Fee of up to \$19,709.20.

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<sup>3</sup> California Code of Regulations Title 4, Division 13, Section 10036

**Agenda Item – 4.B.2  
Resolution No. 18-SM018-02**

**Agenda Item – 4.A.3  
Resolution No. 18-SM018  
Application No. 18-SM018**

**RECOMMENDATION**

Staff recommends approval of Resolution No. 18-SM018 for WET's purchase of Qualified Property in an amount not to exceed \$4,927,301 anticipated to result in an approximate sales and use tax exclusion value of \$411,922.

**Agenda Item – 4.B.2**  
**Resolution No. 18-SM018-02**

**Agenda Item – 4.A.3**  
**Resolution No. 18-SM018**  
**Application No. 18-SM018**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A MASTER  
REGULATORY AGREEMENT WITH WET**

June 19, 2018

WHEREAS, the California Alternative Energy and Advanced Transportation Financing Authority (the “Authority” or “CAEATFA”) has received the Application of WET (the “Applicant”), for financial assistance in the form of a master regulatory agreement (the “Agreement”) regarding tangible personal property utilized in an Advanced Manufacturing process or for the design, manufacture, production or assembly of Advanced Transportation Technologies or Alternative Source products, components, or systems (“Qualified Property”) as more particularly described in the staff summary and in the Applicant’s Application to the Authority (collectively, the “Project”); and

WHEREAS, the Applicant has requested the Authority to enter into the Agreement to acquire Project equipment with an estimated cost not to exceed \$4,927,301 over a period of three years; and

WHEREAS, the Applicant believes that this form of financial assistance will enable it to avail itself of the benefits of an exclusion from sales and use taxes relative to the Qualified Property pursuant to California Revenue and Taxation Code Section 6010.8; and

WHEREAS, approval of the terms of the Agreement and authority for the Executive Director, Deputy Executive Director, or Chair of the Authority to execute the necessary documents to effectuate the Agreement is now sought;

NOW, THEREFORE, BE IT RESOLVED by the California Alternative Energy and Advanced Transportation Financing Authority, as follows:

Section 1. The Project constitutes a “project” within the meaning of Public Resources Code Section 26003(a)(8)(B).

Section 2. The requested master regulatory agreement constitutes “financial assistance” within the meaning of Public Resources Code Section 26003(a)(6).

Section 3. The Applicant is a “participating party” within the meaning of Public Resources Code Section 26003(a)(7).

Section 4. The Executive Director, Deputy Executive Director, or Chair of the Authority (the “Authorized Signatories”) are hereby authorized for and on behalf of the Authority to approve any changes to the Project as the Executive Director shall deem appropriate, provided that the amount of the Qualified Property to be purchased may not be increased above the amount approved by the Authority.

**Agenda Item – 4.B.2**  
**Resolution No. 18-SM018-02**

**Agenda Item – 4.A.3**  
**Resolution No. 18-SM018**  
**Application No. 18-SM018**

Section 5. The proposed form of the Agreement between the Applicant and the Authority, as filed with the Authority prior to this meeting, is hereby approved. The Authorized Signatories are hereby authorized and directed, for and on behalf and in the name of the Authority, to execute, acknowledge and deliver to the Applicant the Agreement in substantially the form filed with or approved by the Authority, with such insertions, deletions or changes therein as the Authorized Signatory executing the same may require or approve, and with particular information inserted therein in substantial conformance with the staff summary and in the Applicant's Application to the Authority, such approval to be conclusively evidenced by the execution and delivery thereof. The Authority understands and agrees that pursuant to the terms of the Agreement, the obligations of the Applicant may, under some circumstances, be carried out or assumed by a successor or assignee entity, or by an affiliate of the Applicant.

Section 6. Each of the Authorized Signatories, acting alone, is hereby authorized and directed to do any and all ministerial acts, including (without limitation) the execution and delivery of any and all documents and certificates they may deem necessary or advisable in order to consummate the Agreement and otherwise effectuate the purposes of this Resolution.

Section 7. The Applicant shall assure CAEATFA that all Qualified Property listed in the semi-annual reports pursuant to the Agreement shall be installed, maintained and operated in compliance with all applicable local, state and federal laws.

Section 8. The Agreement shall only apply to Qualified Property that the Applicant certifies will be installed, maintained and operated at facilities within the State of California.

Section 9. The adoption by the Authority of this Resolution for the Applicant shall not be referred to in any application before any governmental agency as evidence of the feasibility, practicality or suitability of the Project or in any application for any required permission or authority to acquire, construct or operate the Project.

Section 10. This Resolution is effective immediately and will remain in full force and effect unless the Regulatory Agreement, as defined in CAEATFA Regulations Section 10035(a), is not executed within thirty (30) days of the date of this Resolution. The Executive Director may extend the thirty days if necessary.