

*The minutes presented herewith are not a verbatim transcription of the Regular Board meeting held November 26, 2019. The intent is to provide a synopsis of key points of discussion and to chronicle decisions and actions taken by a quorum of the Board of Directors (ref: Roberts Rules of Order, Section 48). For more information or background, please refer to the applicable board packet.*

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE RINCON DEL DIABLO MUNICIPAL WATER DISTRICT  
November 26, 2019**

A Regular Meeting of the Board of Directors of the Rincon Del Diablo Municipal Water District was held on Tuesday, November 26, 2019 at 6:00 p.m. at the offices of the District located at 1920 North Iris Lane, Escondido, California 92026.

**Directors Present:** Drake, Lump, and Quist.

**Directors Absent:** Murtland and Towne.

**District Staff Present:** Clint Baze, General Manager; Jeff Umbrasas, Director of Administration and Finance; Karen Falk, Senior Engineer; and Wanda Cassidy, Board Secretary.

**Legal Counsel Present:** Gil Granito, Legal Counsel, Redwine and Sherrill.

**Fire Services Staff Present:** Rick Vogt, Fire Chief; and Al Dobyne, Fire Marshal, Escondido Fire Department.

**Guests Present:** None were present.

Vice President Lump called the meeting to order at 6:00 p.m. Director Quist then led the Board of Directors and attendees in the Pledge of Allegiance to the Flag of the United States of America.

**ADDITIONS/CHANGES TO AGENDA**

There were no additions or changes to the agenda.

**ORAL COMMUNICATIONS TO THE BOARD**

There were no communications to the Board.

**PRESENTATION**

**Presentation of Association of California Water Agencies (ACWA)/ Joint Powers Insurance Authority (JPIA) "President's Special Recognition Awards" for Having Loss Ratios of 20 Percent or Less in Liability, Property, and Workers Compensation Programs.**

Director David Drake, representing the Association of California Water Agencies/Joint Powers Insurance Authority (ACWA/JPIA), presented General Manager Clint Baze and Board members with President's Special Recognition Award Certificates in the Workers' Compensation, Liability, and Property Claims Programs. The awards are presented to participants of the ACWA/JPIA who achieved a low ratio of "Paid Claims and Case Reserves" to "Deposit Premiums" in each of the three programs for the period of July 1, 2015 to June 30, 2018. The District will also be recognized at the JPIA Board of Directors' Meeting in San Diego during the 2019 ACWA Conference.

### **SECTION 1 - CONSENT ITEMS**

**In a motion by Director Quist and seconded by Director Drake, by a vote of 3-0, the Board of Directors passed the following consent items unanimously:**

- 1-A. Minutes of the Special Board of Directors Meeting of October 15, 2019.
- 1-B. Minutes of the Regular Board of Directors Meeting of October 22, 2019.
- 1-D. Investment Portfolio Report, September 2019.
- 1-E. Financial Statements, June, July, August, and September 2019.
- 1-F. Board of Directors' Per Diem Fees and/or Expense Reports, October 2019.

Director Drake requested Item 1-C, General Fund Disbursements, October 2019 be pulled. Director Drake requested clarification be made to Utility Service Co., Inc., who provides reservoir maintenance. Utility Service Co, Inc. recently underwent a name change and it was suggested both the old and new name be included in the disbursements report in the future. General Manager Baze responded that Suez is a parent of Utility Service Co., Inc., and that future disbursements will reflect both names.

**In a motion by Director Drake and seconded by Director Quist, by a vote of 3-0, the Board of Directors passed the following consent item unanimously:**

- 1.C. General Fund Disbursements, October 2019.

### **SECTION 2 – EMERGENCY PREPAREDNESS & FIRE SERVICES**

- 2-A. Receive and File the November 6, 2019 Emergency Preparedness & Fire Services (EPFS) Committee Meeting Minutes.

Director Drake mentioned the concerns he expressed with Item 3-B - Ordinance No. 2019-116.1-5: "An Ordinance of the Rincon del Diablo Municipal Water District Which Adopts the 2019 California Fire Code and the 2018 International Fire Code with Certain Amendments, Additions, and Deletions," during the Emergency Preparedness & Fire Services Committee meeting. General Manager Baze responded that he did discuss those concerns with Chief Vogt and they have been addressed in the Ordinance.

**Received and filed the November 6, 2019 Emergency Preparedness & Fire Services Committee Meeting Minutes.**

2-B. Oral Report by Escondido Fire Department Regarding Current Events and Community Fire Readiness Relating to Improvement District E.

Rick Vogt, Fire Chief of the Escondido Fire Department reported on the following:

- Chief Vogt congratulated the District for their hard work in maintaining an excellent workers' compensation record.
- In preparation for the upcoming storms, Cal Fire has placed a swift water rescue team in Del Dios. The National Weather Service is predicting from three to five inches of rain locally with up to ten inches in some areas of San Diego County.
- A brush engine and strike team are currently in Santa Barbara fighting the Cave Fire. They are expected to return in the next few days.
- In August, a firefighter was injured fighting a fire when he fell through a roof. The firefighter has recovered from his injuries and has returned to work. With a firefighter going out on a medical retirement, the Escondido Fire Department currently has no one out on a workers' compensation claim.
- The fire department's paramedic recruiting efforts were successful. The six vacant positions Chief Vogt reported on previously have been filled. Candidates are currently going through the hiring process. Also, additional candidates have been put on a waiting list.
- The Explorer Program recruitment for six open positions was a huge success. 16 candidates applied. Ten have been selected to go to the Academy and the remaining six will be on a priority list for the next class.

2-C. Public Hearing – Introduction of Ordinance No. 2019-116.1-5, "Adopts by Reference the 2019 California Fire Code and the 2018 International Fire Code with Certain Amendments, Additions, and Deletions."

Escondido Fire Department Fire Marshall Al Dobyne provided a presentation on the proposed 2020 Fire Code. Since the California Fire Code is not able to anticipate or address all individual needs of every city, municipality or district, local

agencies are able to adopt amendments to ensure specific conditions have been addressed. The following amendments have been added to the 2019 California Fire Code to ensure adequate fire safety is in place for the Rincon del Diablo Fire Protection District:

Local Amendments to the 2019 California Fire Code:

**Notable newly added RDDWD local amendments to the code are listed below:**

**Sec. 322 Storage of Firewood**

- The maximum size of wood storage shall be 2 cords of wood with the pile dimensions no greater than 4 feet in height, 4 feet in width, and 16 feet in length. (New language added to include dimensions for wood storage)

**Sec. 4907.2 Fuel modification.**

- A fuel modification zone shall be required around every building that is designed primarily for human habitation or use or a building designed specifically to house farm animals. Decks, sheds, gazebos, freestanding open-sided shade covers and similar accessory structures less than 250 square feet and 30 feet or more from a dwelling, and fences more than 5 feet from a dwelling, are not considered structures for the establishment of a fuel modification zone. A fuel modification zone shall comply with the following:
  - (g) Improved Property: Property owners shall be permitted to clear all flammable vegetation within a one hundred (100) foot radius of all buildings using methods, such as mowing and trimming that leave plant root structure intact to stabilize soil. Clearing is not limited to these methods and discing, which exposes bare mineral soil, may be used if deemed necessary by the FAHJ. (New amendment for fuel modification was added to codify language currently used in the Rincon Del Diablo Water District's Hazard Reduction and Vegetation Clearance Standards, and Public Resources Code – PRC Chapter 2. Hazardous Fire Areas Section 4290.)
    - a. Where the distance from the structure to the property line of the parcel on which the building is located is less than the distance required to be cleared, (100'), the adjacent parcel owner may be required to establish the required fuel break to achieve the required distance of defensible space if such requirement is approved by the Fire Code Official.

**Sec. 4907.4 Home Ignition Zones:**

- 4907.4.1 Zone 1 Immediate Zone 0'-5.' Meaning from exterior wall surface of the building extending 5 feet on a horizontal plane. This zone shall be constructed of continuous hardscape or limited fire-resistant plantings acceptable to the FAHJ. (New law passed on September 18, 2019, AB-1516 Fire prevention: wildfire risk: defensible space and fuels reduction management.)

**Sec. 8001. CFC Chapter 80 Referenced standards of National Fire Protection Association (NFPA) 13D:**

- 7.1.5 Pressure-reducing valve. If maximum static pressure from the water supply exceeds 130 psi, a pressure-reducing valve acceptable to the FAHJ shall be installed before the system riser. (Reference in the fire code, language brought over from the National Fire Protection Association's Standard for the Installation of Sprinkler Systems.)
- 7.3.4 Pressure gauge. An approved 300 psi pressure gauge shall be permanently installed at the riser. (Language brought over from NFPA's Standard for the Installation of Sprinkler Systems.)
- 10.2.5 Pressure Cushion. The system shall be designed 10% below available water source pressure during peak usage. (Language brought over from NFPA's Standard for the Installation of Sprinkler Systems.)

Fire Marshall Dobyne then responded to questions by the Board.

Vice President Lump opened the Public Hearing at 6:20 p.m. to receive comments regarding Ordinance No. 2019.116.1-5, "Adopts by Reference the 2019 California Fire Code and the 2018 International Fire Code with Certain Amendments, Additions, and Deletions."

At the December 10, 2019 Board of Directors meeting, there will be a second reading and directors will vote on adoption of the 2020 Fire Code.

With no further discussion, and there being no one wishing to speak, Vice President Lump closed the Public Hearing at 6:22 p.m.

**SECTION 3 – PUBLIC INFORMATION & INTERGOVERNMENTAL RELATIONS**

- 3-A. Focus on Conservation. Updates on District Conservation Programs, Regional Water Supplies, Statewide Water Resource Outlook and Legislation.

General Manager Clint Baze presented the Focus on Conservation Report in Public Information Officer Julia Escamilla's absence. General Manager Baze reported Escondido will likely receive a Flash Flood Warning similar to the warning received on November 19<sup>th</sup> in the next few days.

Mr. Baze reported the Northern Sierras precipitation index was at 0.3 inches, which is slightly below average. A large storm is expected in the next few days. At Lake Oroville the reservoir level is at 91 percent of historical average and at 55 percent of capacity. Lake Shasta's reservoir level is at 119 percent of historical average and at 70 percent capacity, which is equivalent to the period of 1980 to 1983, which were recorded as the wettest water years on record. For Colorado River conditions, although Lake Mead is only at 39 percent of capacity and at 1083 feet of elevation, it is still well above the 1075 feet elevation Water Shortage Declaration Level. Lake Powell is up at 53 percent of capacity. Overall, the Colorado River System content this year is at 52 percent of capacity, six percent over last year's 46 percent capacity. Precipitation for water year 2019 to date is 46 percent of normal. There is currently at 1.5" of snowpack and is 67 percent of normal.

General Manager Baze then provided the legislative update:

General Manager Baze provided updates on a number of State Assembly and Senate bills related to climate change and water resiliency.

San Diego County Water Authority has put together a Resource/Resilience/Water Bond Working Group to identify local needs in order to provide a unified voice on key issues and adequate funding levels.

The local needs assessment includes:

- Statutory language to ensure public-private partnership projects are eligible to compete for funding in the same manner as any other public agency or private water company.
- Statutory language to ensure that IRWM participating organizations that are nonprofit organizations or disadvantaged communities may be eligible for 100 percent advanced payment of IRWM grants under \$1 million.
- Funding to ensure dam safety (relative to mandated risk and resiliency assessments).
- Funding for protection of coastal lands relative to rising sea level.
- Funding to implement AB 1668 (Water Management Planning / Water Budgets).

The working groups first meeting was held on November 18<sup>th</sup> and the next meeting is scheduled for Wednesday, December 11<sup>th</sup>.

After the presentation, General Manager Baze responded to Directors questions.

#### **SECTION 4 – FINANCE, INSURANCE & PERSONNEL**

##### 4-A. Annual Review and Adoption of the District's Investment Policy (Administrative Code Section 3200).

Director of Administration and Finance Jeff Umbrasas provided the annual review and adoption of the District's Investment Policy.

California Government Code requires that the District's Investment Policy be reviewed and adopted by the Board on an annual basis. District staff engages in continuous review of the policy to respond to changes in law, industry guidelines, and investment climate and makes modifications as necessary.

In addition, the audit firm White Nelson Diehl Evan LLP (WNDS) performed an independent review of the District's Investment Policy and investment holdings for the fiscal year ended June 20, 2019. The review indicated that the District's investments were in compliance with policies and procedures outlined in the Investment Policy, however, the review did recommend certain changes.

In July 2019, the District also submitted its Investment Policy to the California Municipal Treasurers Association (CMTA) for review and to be considered for certification. As presented, the District's policy did not qualify for certification, receiving an average rating of 83, with a rating of 85 required for certification. As part of the process, the CMTA raters also recommended certain changes to the Investment Policy so that the policy may qualify for certification. Once the changes are adopted by the Board, the District will resubmit the Investment Policy to CMTA for certification.

Staff is recommending a number of modifications be made to the Investment Policy. Most of the changes are designed to update the policy to meet current state guidelines and more clearly define certain processes, as part of best practices.

Staff was recommending the Board of Directors review and adopt the District's FY 2019-20 Investment Policy as required by the California Government Code and delegate authority to manage the District's investment program to the General Manager and authorize the General Manager to administratively delegate the day-

to-day responsibility of the investment program to the Director of Administration and Finance.

After a brief discussion, Vice-President Lump asked for a motion:

**In a motion by Director Drake and seconded by Director Quist, by a vote of 3-0, the Board of Directors unanimously approved adoption of the FY 2019-20 Investment Policy, delegated authority to manage the District's investment program to the General Manager, and authorized the General Manager to administratively delegate the day-to-day responsibility of the investment program to the Director of Administration & Finance.**

## **SECTION 5 – OPERATIONS; ENGINEERING & LONG-RANGE PLANNING**

### **5-A. North Avenue Estates Tentative Approval.**

Senior Engineer Karen Falk introduced Tentative Approval for North Avenue Estates, ID-1 Service Area. Staff is requesting tentative approval from the Board of Directors for North Avenue Estate, which consists of 34 residential lots and five open space lots located along North Avenue, just east of Laurashawn Lane. The project site is 17.2 acres of currently undeveloped property in the City of Escondido.

The development includes the construction of 3,342 LF of new District potable water pipeline, including onsite improvements within Rincon easement in private drives and offsite improvements within public Right-of-Way.

The District has performed a hydraulic analysis for the proposed pipe configuration and achieved the necessary fire flow requirements.

After Ms. Falk answered questions from Directors, Vice President Lump asked for a motion.

**In a motion by Director Drake and seconded by Director Quist, by a vote of 3-0, the Board of Directors unanimously granted Tentative Approval for North Avenue Estates, ID-1 Service Area.**



## **SECTION 6 – WASTEWATER**

### **6-A. Harmony Grove Village Water Reclamation Facility (HGVWRF) Acceptance.**

General Manager Baze brought forward Harmony Grove Village Water Reclamation Facility (HGVWRF) Acceptance. Staff is requesting the Board of Directors accept the HGVWRF as complete and authorize the General Manager to approve the supplemental wet-weather storage agreement, record the grant deed, and initiate the transfer of legal responsibility of utilities, communications, security, and chemicals.

On January 9, 2013, the Board of Directors of the San Diego County Sanitation District (Sanitation District) approved a Joint Improvement Agreement for the HGVWRF between the Sanitation District, the County of San Diego, Rincon del Diablo Municipal Water District, and the Harmony Grove Village subdivision developer (Developer). The Joint Improvement Agreement required the Developer to construct wastewater facilities including the HGVWRF, the sewer pump station, and the collection system. The Developer was required to construct and successfully operate and maintain the wastewater facilities for six months without interruption. As of January 2019, construction of the HGVWRF was complete and plant startup was initiated. In addition, the Regional Water Quality Control Board (RWQCB) approved the discharge of Title 22 recycled water in July and the Developer has been serving the Harmony Grove Village community with high quality recycled water without service interruption for over four months.

On March 27, 2019, the San Diego County Board of Supervisors approved the actions needed to implement the LAFCO "Harmony Grove Wastewater Reorganization." As part of the action, the Board of Supervisors authorized the Department of General Services, Real Estate Services Division to record quitclaim deeds or any other property-related documents necessary to convey all sewer easements and interests previously reserved for or dedicated to the Sanitation District associated with the Harmony Grove Village Wastewater facilities to Rincon.

Part of the action by the Rincon Board of Directors is to authorize the General Manager to approve the supplemental wet-weather storage agreement. This agreement guarantees the remaining water and debris collected in the storage pond is properly removed and cleaned at the Developer's expense. Then General Manager will also have to authorize the final walkthrough and inspection of the facility. The walkthrough and inspection also provide an additional review of plant operational intricacies that may have been overlooked throughout the testing process. Following the final walkthrough and inspection, the General Manager will process the recordation of the grant deed and initiate the transfer and legal responsibility for utilities, communications, security, and chemicals to the District.

General Manager Baze then answered questions and Vice President Lump then asked for a motion:

**In a motion made by Director Quist and seconded by Director Drake, by a vote of 3-0, the Board of Directors authorized the General Manager to approve the supplemental Wet-Weather Storage Agreement, authorized the General Manager to order the final inspection and walkthrough, and authorized the General Manager to record the grant deed, initiate the transfer and legal responsibility for utilities, communications, security and chemicals.**

## **SECTION 7 – SDCWA DIRECTOR’S REPORT & DIRECTORS/STAFF ACTIVITIES REPORT**

7-A. This portion of the agenda may be used by the San Diego County Water Authority (SDCWA) representative to make informal reports on activities.

Director Quist reported Sandra Kerl was named General Manager of the San Diego County Water Authority (SDCWA).

7-B. This portion of the agenda may be used by the Board of Directors or management to make informal oral reports on their activities.

- Director Quist provided an update on the upcoming Urban Water Institute Conference. Director Quist also reported the upcoming conference will be his last. The new President of Urban Water will be named in the near future.
- Director Drake reported he recently visited Hilo, Hawaii and reported on the status of the infrastructure.
- Director Lump reported on COWU and discussions with San Diego County Water Authority Chairman Jim Madaffer at the CSDA Quarterly Dinner.

7-C. This portion of the agenda may be used by the Board of Directors to request items for future agendas.

There were no requests.

7-D. Request Approval for a Board Member(s) to Attend Upcoming Meetings; Conferences; or Seminars for Those Not Authorized in the District’s Administrative Code, Section 502 “Authorized District Memberships.”

There were no requests.

7-E. District Activities Report (DAR), October 2019.

General Manager Baze reported Evan Crockett, the New Administrative Assistant will be introduced at the December Board of Director's Meeting. The new Engineering Technician starts on December 16<sup>th</sup> and the Holiday Gift Exchange will be held on December 17<sup>th</sup>.

7-F. San Diego County Local Agency Formation Commission (San Diego LAFCO) Election to Special Districts Advisory Committee Ballot Form.

On August 12, 2019, the San Diego Local Agency Formation Commission (LAFCO) solicited nominations to fill eight open seats on the 16-member Special Districts Advisory Committee. Initially, a total of eleven nominations were received follow a 60-day filing period, however, one nomination is no longer eligible, leaving a total of ten.

San Diego LAFCO has issued ballots to all 58 special districts in San Diego County and has invited each district to cast a ballot selecting up to eight eligible nominees.

Staff is recommending the Board of Directors arrive at consensus and vote for up to eight members to serve on LAFCO's Special Districts Advisory Committee. After discussion, Vice President asked for a motion:

**In a motion made by Director Drake and seconded by Director Quist, by a vote of 3-0, the Board of Directors will vote on the following candidates for the San Diego LAFCO Special District Advisory Committee: Jack Bebee, James E. Gordon, Robert Thomas, Albert C. Lau, Thomas Kennedy, and Kimberly A. Thorner.**

7-G. Association of California Water Agencies (ACWA) Election for President and Vice President for 2020-2021 Term.

General Manager Baze brought forward Association of California Water Agencies (ACWA) Election for President and Vice President for the 2020-2021 term. After discussion, Vice President Lump asked for a motion:

**In a motion by Director Drake and seconded by Director Quist, after a 3-0 vote, the Board of Directors agreed to vote for the recommended slate of Steve LaMar for Chair and Sarah Palmer for Vice President and Director Drake was selected to be the voting delegate.**

## **SECTION 8 – GENERAL MANAGER’S REPORT**

### **8-A. General Manager’s Oral Report**

General Manager Baze reported the following:

- Sandra Kerl was selected as the SDCWA General Manager.
- The SDCWA received a letter from Jeff Kightlinger, General Manager of Metropolitan Water District of Southern California (MWD) regarding a possible \$72 million settlement agreement. MWD has requested that SDCWA respond within 30 days, however, SDCWA is requesting an extension. SDCWA will be meeting with member agency managers on December 9<sup>th</sup> to discuss the agreement.
- Directors’ previously made an inquiry into driving company vehicles to business related meetings. General Manager Baze confirmed with the JPIA that Directors are able to drive vehicles after attending Defensive Driving training.
- General Manager Baze provided a copy of letters received from Fallbrook Public Utility District and Rainbow Municipal Water District. The two agencies are in the process of detaching from SDCWA and joining Eastern Municipal Water District. The letters to SDCWA member agencies are a requirement in the process.

## **SECTION 9 – LEGAL MATTERS**

### **9-A. Legal Counsel Report.**

Open Session

Nothing to Report.

### **9-B. Closed Session**

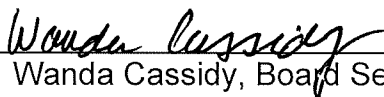
- a. CONFERENCE WITH LEGAL COUNSEL – LITIGATION, Litigation pursuant to Government Code Section 54956.9(d)(4): San Diego County Office of Education, et al. v. The County of San Diego, et al. (This is a long-term item related to dissolution of redevelopment agencies and successor agencies and will remain on the agenda as long as Rincon Water is involved. No action is required on our part at this time.)
- b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION pursuant to Gov. Code Section 54956.9(d)(4) to discuss potential litigation (one case).

There was no closed session.

**ADJOURNMENT**

There being no further business before the Board of Directors, the meeting was adjourned by Vice President Lump at 7:22 p.m.

APPROVED:   
Erin R. Lump, Vice President

ATTEST:   
Wanda Cassidy, Board Secretary