The minutes presented herewith are not a verbatim transcription of the Regular Board meeting held electronically on February 23, 2021. 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
February 23, 2021

A Regular Meeting of the Board of Directors of the Rincon Del Diablo Municipal Water District was held telephonically on Tuesday, February 23, 2021 at 5:00 p.m.

Directors Present: Drake, Lump, Murtland, Quist, and Welch.

Directors Absent: None.

District Staff Present: Clint Baze, General Manager; Julia Escamilla, Public Information Officer; Jeffrey Umbrasas, Director of Administration and Finance; Karen Falk, Engineering Manager; Steve Plyler; Operations Manager; and Wanda Cassidy, Clerk of the Board.

Legal Counsel: Alfred E. Smith, Legal Counsel, Nossaman, LLC.

Guests: Rick Vogt, Fire Chief, Escondido Fire Department.

President Lump called the meeting to order at 5:00 p.m. Director Drake 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.

SECTION 1 - CONSENT ITEMS

In a motion by Director Quist and seconded by Director Drake, the Board of Directors unanimously approved the following consent items:
1-B. Minutes of the Regular Board of Directors Meeting of February 9, 2021.
1-C. General Fund Disbursements, January, 2021.
1-F. Board of Directors' Per Diem Fees and/or Expense Reports, January, 2021.

by the following roll call vote:

Drake   Aye
Lump    Aye
Murtland Aye
Quist   Aye
Welch   Aye

SECTION 2 – EMERGENCY PREPAREDNESS & FIRE SERVICES


Received and filed Emergency Preparedness & Fire Services Committee meeting minutes of February 3, 2021.

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

Chief Vogt reported on the following:

- COVID-19 – The Escondido Fire Department has seen indications that the number of COVID-19 infections has decreased. This parallels County, State, and national numbers. The decrease is in part due to the vaccine. Chief Vogt reported the weather in the Midwest and Texas was an issue for the supply chain of the vaccine and a number of vaccination appointments were canceled, however, the vaccine did arrive, and vaccination centers are getting back on track.

- Operation Collaboration – The private sector and the Operation Collaboration Program have been vaccinating residents and staff at long-term residential facilities. Between two-thirds to three-fours of the long-term resident facility populations have been vaccinated. Once the vaccinations for the long-term facilities have been completed, the private sector and the Operation Collaboration program will be able to focus on the general population. The
County is currently providing vaccinations to Tier 1-A, and most likely the next tier, which includes workers in water distribution, will start receiving vaccinations starting the beginning of March.

- **Knox Boxes** – The Escondido Fire Department, in conjunction with the District, received the 35 Knox boxes that were purchased for the Knox Box Program. The Knox boxes will allow the Fire Department to access homes without forced entry damage or delay in the event of an emergency. At this time, the Fire Department is developing a process and forms along with acquiring the internet-based application for the program. The Knox Box Program will be rolled out to selected local residents in the next few weeks.

- **Fire and Water Expo** – After discussion, Chief Vogt and Julia Escamilla, District Public Information Officer, agreed the Fire and Water Expo has been rescheduled to September 25th. Chief Vogt and Ms. Escamilla are hopeful that by then the pandemic will be over or that there will be some sense of normalcy. In addition, the September 25th Fire and Water Expo and will be a precursor to Fire Prevention Week.

- **Emergency Responses** – Chief Vogt reported on two emergency response events. The first was about an officer shooting. An officer was shot and suffered minor injuries. He was released from the hospital on the same day. The suspect was eventually located. The second incident involved an ambulance at a red light. When the light turned green, the ambulance proceeded through the intersection and was hit in the rear by a drunk driver traveling at 60 mph. There were no major injuries to the crew or the driver of the other vehicle.

After the report, Chief Vogt answered questions from Directors.

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

3-A. Receive and File Public Information & Intergovernmental Relations (PIIGR) Committee Meeting Minutes of February 17, 2021.

Received and filed Public Information & Intergovernmental Relations Committee meeting minutes of February 17, 2021.

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

Legal Counsel Smith provided a written report and updated the Directors on the current legislative session. Highlights of the update included:
• SB222 (Dodd) – Water Affordability Assistance Program. This bill creates a statewide low-income rate assistance program. The fund would provide water affordability assistance for drinking water and wastewater services to low-income ratepayer and ratepayers who are experiencing economic hardship. SB 222 would give the State Water Board very broad authority to oversee the program, ensure the accuracy of data provided, and publish performance metrics, enrollment levels, and total number of shutoffs. The State Water Board would also have the authority to run the program, including developing a fund expenditure plan, developing criteria and metrics, and determining who qualifies and the number of households eligible. At this time, water agencies are concerned with the uncertainty of the funding source, and that there is no cap of funding. ACWA and the California Municipal Utilities Association are having discussions with the author of the bill and sponsors regarding the water industry’s concerns.

• SB 223 (Dodd) – Discontinuation of residential water service. SB 223 will require a written policy on discontinuation of residential service for nonpayment to include an arrearage management plan, and, for those systems that provide water audits or have the capacity to do so, to include a free water audit offered to low-income households with water usage that is above the annual average volume usage of their customer class. This bill would prohibit urban and community water systems from discontinuing residential service for nonpayment during a state or local emergency. Water agencies would be prohibited from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 120 days, rather than 60 days, and the total amount of the delinquency, exclusive of late charges and interest, is at least $400. In addition, agencies would be prohibited from discontinuing residential water service for nonpayment to a master-metered multifamily residence with at least four units or to a master-metered mobile home park. For Districts that do multiple services, such as water and sewer, if water is paid, the services are not delinquent. The bill also includes adoption of an "arrearage management plan," by which customers with delinquent balances would have their debt forgiven.

In 2018, Senator Dodd authored SB 998 which established new provisions governing when a public water system can discontinue water services at a residential property, so it is unclear if further changes are necessary at this time. There are also concerns that SB 223 presents challenges with the proportionality and non-subsidy provisions set forth in Proposition 218.

• SB 323 (Caballero) - Water Rate Validations. ACWA is sponsoring legislation to permit validation actions for water, wastewater, and sewer rates and charges. The bill was prompted, in part, by a Proposition 218 litigation filed
against more than 80 public agencies throughout the State. The bill is intended to provide additional defenses and a shorter statute of limitations period for water rate challenges.

In closing, Mr. Smith announced Urban Water Management Plans are due to DWR by July 1, 2021.

Public Information Officer Julia Escamilla then provided the Conservation Report.

Ms. Escamilla reported there was a wide variety of weather in January, including two red flag warnings, several power outages in various locations, 3.2 inches of rain, and variable cold and warm weather.

As of February 22nd, the cumulative rainfall for the Northern Sierra’s was 18 inches and was at 53 percent of the historical average for the State. Lake Oroville was at 38 percent of total capacity and 55 percent of historical average for February 21st. Lake Shasta was at 50 percent of total capacity and 69 percent of historical average. Colorado River conditions remained the same. Lake Mead was at 41 percent capacity and Lake Powell was at 38 percent capacity. Total system content, including Lakes Powell, Mead, Mohave, and Havasu is at 45 percent compared to 52 percent last year. Precipitation to date for water year 2021 was at 76 percent of normal with snowpack at 87 percent of normal at 10.5 inches.

January 2021 customers were still saving, however, in January the high was 88 degrees and the low was 52 degrees, so customers were irrigating significantly. Cumulative savings were at 26.1 percent. GPCD was 83, where in 2020 it was 71.

The drought index indicates an abnormally dry level for the San Diego Region. Although Southern California is currently not at a drought level, it most likely will change in the future. The Drought Map corresponds to the Precipitation Map of low rainfall.

Ms. Escamilla then reiterated that the District and the Escondido Fire Department are moving forward with Fire Expo on September 25th and the theme will be “Farm Fresh.”

After the presentation, Ms. Escamilla answered questions from Directors.

SECTION 4 – FINANCE, INSURANCE & PERSONNEL

Received and filed Finance, Insurance, and Personnel Committee meeting minutes of February 11, 2021.

4-B. Update on Billing Delinquencies Related to COVID-19 Pandemic.

Director of Administration and Finance Umbrasas brought forward Update on Billing Delinquencies Related to COVID-19 Pandemic.

Mr. Umbrasas began his report with an overview of the District’s policy on delinquencies and lock-offs. The process includes steps, in severity order, starting with incurring late fees, to receiving a Red Notice and incurring an additional $44 charge, to “lock-off” due to non-payment, at which time the bill amount and all fees/charges must be paid to bring the account current.

On April 2, 2020 Governor Newsom issued Executive Order N042-20, which indefinitely restricted the ability of water systems to shut off water service to residences and small business due to lack of payment. The intention of the order to is assist customers who have been financially impacted by the COVID-19 pandemic by ensuring they have continued water service.

In response to the Governor’s order and to provide relief to customers, the District ceased its “lock-off” process for delinquent customer accounts. In addition, the District waived its late fees/charges, including credit card transaction fees as additional efforts to ease the financial burden on customers.

Mr. Umbrasas then reported on the financial impact the pandemic has had on the budget over the last year. Mr. Umbrasas reported the District is looking at ways to minimize the delinquencies and that staff is continuing to work with customers who are in arrears to make payments arrangements.

After the presentation, the Directors discussed viable options for keeping delinquencies at a manageable level and not significantly impacting the financial well-being of the District.

4-C. CIP Budget Revisions.

Mr. Umbrasas presented Capital Improvement Program (CIP) Budget Revisions. Staff is requesting the Board of approve a number of modifications to the CIP appropriations, including changes to the FY 2020-21 budget.

The modifications would affect previously approved appropriates to the District CIP projects, which includes potable water, recycled water, and sewer projects, at an overall reduction in capital appropriations for the District. The modifications include either transfers of previously appropriated funds between existing projects, the
application of developer capital contributions to capital projects, or the release of previously appropriated funds to the fund balance.

Staff has been performing a comprehensive review of the status and funding needs of the CIP in preparation for the upcoming 2-Year Budget, Water Rate Study, and Water Master Plan Update. As part of the process, several modifications are being recommended, including transfers of previously appropriated funds between existing projects, the application of developer capital contributions to capital projects, or the release of previous appropriated funds to the fund balance.

The transfers include the $209,349 from the Sewer Fund to the Potable Water Fund to complete the reimbursement of funds that were advanced for the establishment of the District's sewer agency.

After staff answered questions from Directors, President Lump asked for a motion:

In a motion by Director Quist and seconded by Director Drake, the Board of Directors unanimously approved the proposed modifications to the District's CIP project appropriations as requested by staff. By the following roll call vote:

Drake    Aye
Lump     Aye
Murtland Aye
Quist    Aye
Welch    Aye

SECTION 5 – OPERATIONS; ENGINEERING & LONG-RANGE PLANNING

5-A. Renew Tenth Amendment to Agreement with Olivenhain MWD to Reimburse Expenses and Participate with Federal Lobby Efforts, as a Member of the North San Diego Water Reuse Coalition.

General Manager Baze requested the Board approve the renewal of an agreement with the North San Diego Water Reuse Coalition (NSDWRC) to engage lobbyist, BlueWater Strategies for federal legislative outreach and grant funding for Regional Recycled Water Projects. This is the tenth renewal of the original agreement with Olivenhain Municipal Water District as contracting agency and is a one-year extension to the cost-sharing agreement.

After discussion, General Manager Baze answered questions regarding the amendment and President Murtland asked for a motion:
In a motion by Director Drake, and seconded by Director Quist, the Board of Directors unanimously approved the renewal of Tenth Amendment to the Agreement with Olivenhain MWD to Reimburse Expenses and Participate with Federal Lobby Efforts for a total of $17,333 as a Member of the North San Diego Water Reuse Coalition by the following roll call vote:

Drake    Aye
Lump     Aye
Murtland Aye
Quist    Aye
Welch    Aye

SECTION 6 – SEWER


General Manager Baze introduced Adopt Rincon del Diablo Municipal Water District 2021 Sewer System Management Plan (SSMP). Management is requesting the Board of Directors adopt the Rincon del Diablo Municipal Water District 2021 Sewer System Management Plan and Authorize the General Manager to submit the adopted SSMP to the State Water Resources Control Board and post it on the District’s website as required.

On May 2, 2006, the State Water Resources Control Board (State Water Board) adopted Water Quality Order 2006-0003-DWQ, “Statewide Waste Discharge Requirements for Sanitary Sewer Systems” (hereafter, SSS WDRs) to address Water Code Section 13193 requirements and develop the framework for the Statewide Sanitary Sewer Overflow Reduction Program. The SSS WDRs’ Monitoring and Reporting Program (MRP) includes specific Sanitary Sewer Overflow (SSO) notification, reporting, and record keeping requirements to meet SSO reporting requirements in the Water Code and facilitate compliance monitoring and enforcement for violations.

The SSS WDR requires public agencies that own or operate sanitary sewer systems to develop and implement an SSMP. The District’s SSMP defines the tasks, tools, and strategies to be used by staff/consultants to properly manage and maintain the District’s sanitary sewer system. The SSMP is a living document that must be audited by staff every two years, to include corrections and modifications, and be returned to the Board of Directors every five years for adoption. The five-year requirement may be lessened if significant changes or new State Water Board requirements necessitate its re-adoption.
General Manager Baze reported the SSMP was reviewed in draft form at a previous Sewer Committee meeting. The version brought before the Board of Directors was for approval in content as complete, however, the document will be reformatted and refined prior to submittal and posting.

After the presentation, General Manager Baze answered questions from Directors. President Lump then asked for a motion:

In a motion by Director Quist, and seconded by Director Welch, the Board of Directors unanimously approved the Rincon del Diablo Municipal Water District’s 2021 Sewer System Management Plan with required reformatting and refinements by the following roll call vote:

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

7-A. This portion of the agenda may be used by the SDCWA representative to make informal reports on activities.

Director Murtland reported there was nothing to report. Director Murtland and General Manager Baze did make Directors aware that the North County Working Group (NCWG), which consists of the representatives of local water agencies that serve on the SDCWA Board of Directors, have resumed their monthly meetings. The group discusses agenda items that are being brought before the SDCWA Board of Directors at the following day’s meeting.

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 Lump had nothing to report.
- Director Drake reported his participation in the CASA Winter meeting, which was dominated by COVID-19 activities and an ACWA Region 10 sponsored meeting.
- Director Quist reported he has been working on the Urban Water Institute’s Spring Conference.
• Director Welch reported she has been attending a number of conferences, meetings, and trainings and working to familiarize herself with the water industry and professional associations.
• President Murtland had nothing additional to report.

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.


Director Murtland made note of the investments.

7-F. Discussion and Possible Action on Opinion Paper on the San Diego County Water Authority Regional Conveyance Project.

This item was requested to be placed on the agenda at a previous meeting. Directors discussed the possibility of preparing an opinion paper to voice their position on the SDCWA Regional Conveyance Project. Directors agreed the paper would have minimal impact; however, it was agreed the Board would continue to participate in preparing letters with other water agencies to acknowledge their position on the project.

SECTION 8 – GENERAL MANAGER’S REPORT

8-A. District Status as a Result of the COVID-19 Pandemic.

General Manager Baze reported District staff who contracted COVID-19 have all recovered and have returned to work.

8-B. General Manager’s Oral Report.

General Manager Baze reported the following:

• In appreciation for her service and loyalty, General Manager Baze presented Director Lump, who resigned effective March 1, 2021, with her District photo and a gift.
SECTION 9 – LEGAL MATTERS


Legal Counsel Alfred Smith provided a written report on AB 992, the first amendment to the Brown Act to address the use of social media by locally elected officials.

Under AB 992, board members are allowed to freely use social media, as long as board members do not discuss among themselves specific business within the agency’s subject matter jurisdiction. Board members may use social media to answer questions, provide information to the public, or to solicit feedback from the public, however, they cannot respond directly on social media to other members on the same board, as doing so could be considered a serial meeting in violation of the Brown Act. Any communication between two or more Board members involving agency business falls within the scope of AB 992. AB 992 affects social media commenting, retweeting, liking, disliking, responding with positive or negative emojis and/or screenshoting and reposting. The scope of AB 992 is broad and may implicate simple actions such as liking or giving a thumbs up.

After the report, Mr. Smith answered questions from Directors.

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 if Rincon Water is involved. No action is required on our part at this time.)

b. CONFERENCE WITH LEGAL COUNSEL - Pursuant to Government Code Section 54956.9 (d)(4) to discuss potential litigation (one case).

There was nothing to report.

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned by President Lump at 6:52 p.m.
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APPROVED:  

David A. Drake, President

ATTEST:  

Wanda Cassidy, Clerk of the Board