The minutes presented herewith are not a verbatim transcription of the Regular Board meeting held in person and electronically August 24, 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
August 24, 2021

A Regular Meeting of the Board of Directors of the Rincon del Diablo Municipal Water District was held electronically on Tuesday, August 24, 2021, at 5:00 p.m.

Directors Present: Drake, Murtland, Naves, 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; Steve Plyler, Operations Manager; Gio Goggia, Engineering Technician; 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 Drake called the meeting to order at 5:00 p.m., which was followed by Director Murtland, who 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 none.

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 Welch, the Board of Directors approved the following consent items:

1-B. General Fund Disbursements, July 2021.
1-C. Investment Report, July 2021.
1-D. Financial Statements, July 2021.
1-E. Board of Directors' Per Diem Fees and/or Expense Reports, July 2021.

by the following roll call vote:

Drake Aye
Murtland Aye
Naves Aye
Quist Aye
Welch Aye

SECTION 2 – EMERGENCY PREPAREDNESS & FIRE SERVICES


Chief Vogt reported the following:

- Fires – There are still a number of wildfires that are burning throughout California. Fire fighters continue to be assigned to various fires.
- Personnel – Three new EMTs have started. Four additional EMTs will be starting in the next week.
- Knox Boxes – The Knox Box Project continues to move forward. 20 applications have been received. Five Knox boxes have been installed.
- Local Fires – The Fire Department responded to two fires. The first was on Inspiration Lane near San Pasqual Road, in the southern part of the District. This was a kitchen fire with two engines that responded and was quickly put out. The home did not have smoke detectors. The second fire fully engulfed a garage with two cars. The family was awakened by smoke detectors and was able to escape with no injuries.

Chief Vogt reiterated the importance of smoke detectors and reminded staff that the Fire Department does install smoke detectors for those who are in need.

After the report, Chief Vogt answered the Directors’ questions.

2-B. Public Hearing – Resolution No. 21-851.29(B), Entitled “Resolution of the Board of Directors of the Rincon del Diablo Municipal Water District Adopting a Capital
Improvement Plan for the Use of Fire Mitigation Fee Revenue for Improvement District E.”

President Drake opened the Public Hearing at 5:25 p.m. and General Manager Baze presented Resolution No. 21-851.29(B), “Resolution of the Board of Directors of the Rincon del Diablo Municipal Water District Adopting A Capital Improvement Plan for the Use of Fire Mitigation Fee Revenue for Improvement District E (ID E).” On an annual basis, the Board holds a Public Hearing to hear comments and adopt a resolution regarding a Capital Improvement Plan (previously Fire Mitigation Fee Multi-Year Facilities and Equipment Plan) for the use of Fire Mitigation Fees in Improvement District E (ID-E) for the next five years.

As previously approved at the August 25, 2020, Board Meeting, the District expended $18,622.45 in previously accrued Fire Mitigation Fees in FY 2020-21 for the purchase of 13 new P25 compliant portable VHF radios and accessories.

The current Capital Improvement Plan reflects the future purchase of a Type 6 Brush Patrol Engine in FY 2022-23, which would provide emergency response and lend support to wildfire response which has been deemed necessary due to development and growth in and near areas of wildland urban interface. The proposed purchase, previously approved at the August 25, 2020, Board Meeting, would utilize available accrued Fire Mitigation Fees at the time of purchase with the remainder of the purchase being supported by funds advanced by the District’s Fire Fund and repaid over a number of years via future Fire Mitigation Fees received.

The Public Hearing was closed at 5:29 p.m. There were no public comments during the hearing. After Chief Vogt responded to questions from the Directors President Drake asked for a motion:

In a motion by Director Welch, seconded by Director Quist, by the following roll call vote, the Board of Directors unanimously approved Resolution No. 21-851.29(B), “Resolution of the Board of Directors of the Rincon del Diablo Municipal Water District Adopting a Capital Improvement Plan for the Use of Fire Mitigation Fee Revenue for Improvement District E” by the following roll call vote:

- Drake: Aye
- Quist: Aye
- Murtland: Aye
- Welch: Aye
- Naves: Aye
SECTION 3 – PUBLIC INFORMATION & INTERGOVERNMENTAL RELATIONS


Julia Escamilla, Public Information Officer, began her presentation with recent photos of Lake Oroville, relative to the drought.

Ms. Escamilla then provided the Focus on Conservation Report. Northern California precipitation is extremely below average. The average level is at 51.8 inches and the current precipitation level is at 23.2 inches and at 46% of historical average. This is below the drought level of 2015; however, it is above the driest year of 1976. Lake Shasta is following the same trend. It is slightly below the 2015 drought and above the driest year in 1977. It is currently at 43% of historical average and at 28% of capacity. Lake Oroville is slightly different. It has dropped below the driest year in 1977 and is at 34% of historical average and at 23% of capacity. Lake Mead is following the same trend and is currently 35% full. Lakes Mohave and Havasu have had very little change and are doing well. Lake Mohave is at 94% capacity and Lake Havasu is at 93% full.

The Drought Monitor indicates that there is no change in the southernmost part of California, where we remain in abnormally dry. The Wildland Fire Potential Outlook has little change, with the exception of the southeastern portion of the United States as well as parts of Arizona now showing below normal significant wildland fire potential. The Drought Outlook for San Diego remains consistent.

Following the presentation, Ms. Escamilla shared Land Assessment Measurement (LAM) Modeling. Ms. Escamilla has been using GIS data and Department of Water Resources (DWR) summary findings based on study algorithms to help DWR determine what the District’s percentage of the State water budget will be.

After a discussion on drought and LAM modeling, Ms. Escamilla answered questions from the Directors.

3-B. Legislative Update.

District Legal Counsel Alfred Smith provided the Legislative Update. Mr. Smith started his report with a timetable for the remainder of the 2021-22 Regular Legislative Session.

Mr. Smith then reported the following:
State Budget:

- Governor’s Expanded Drought Emergency Proclamation – In July Governor Newsom expanded the State of Emergency that he had initially proclaimed related to the drought. The most recent proclamation extended the drought State of Emergency to the counties of Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, and Santa Cruz. In total, 50 of 58 counties are under the drought state of emergency. San Francisco and seven Southern California counties, including San Diego County are not included in the state of emergency.

- Governor’s Executive Order Calling on Californians to Conserve Water: On the same day that the Governor signed the proclamation expanding the drought state of emergency he also signed an executive order, Executive Order N-10-21, calling on all Californians to voluntarily reduce their water used by 15 percent from their 2020 levels.

Legislative:

- Water Shutoff Moratorium Executive Order Expiring September 30, 2021 - Governor Newsom’s Executive Order N-42-20, known as the water shutoff moratorium, prevented public agencies from discontinuing water service during the COVID-19 pandemic. Under the Governor’s “Beyond the Blueprint” plan to reopen California on June 15, the shutoff moratorium provisions within Executive Order N-42-20 will be lifted on September 30. Local agencies will still be required to adhere to all existing state laws and regulations related to utility shutoffs.

- SB 222 (Dodd, D-Napa) – Water Affordability Assistance Program - SB 222 would establish the Water Affordability Assistance Fund (Fund) in the State Treasury. The Fund would provide water affordability assistance for drinking water and wastewater services to low-income ratepayers and ratepayers who are experiencing economic hardship. This bill has been re-referred to the Committee on Appropriations.

- SB 323 (Caballero, D-Salina) - Legal action on Water and sewer Service Rates - Existing law establishes a 120-day statute of limitations for challenging certain local government fees and charges. SB 323 would establish a similar 120-day statute of limitations for water and sewer rates. SB 323 was passed by the Senate on a vote of 34-1-5. SB 323 is now being considered in the Assembly Appropriations Committee.
Mr. Smith concluded his report with additional information regarding the PFOA/PFOS Public Health Goal, the State Water Resources Control Board’s Water Loss Performance Standards, and the Department of Water Resources continued implementation of the comprehensive water conservation and drought planning legislation of 2018, AB 1668 (Friedman) and SB 606 (Hertzberg).

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

3-C. Funded Grants and Grant Opportunities.

General Manager Baze reported on current funded grants and grant opportunities. Active grants include:

- Rincon Customer-Driven Demand Management Program (WaterSmart). The grant is funded from the Department of Water Sources through the SDIRWM. This was a 2-part phased grant. Phase 1 allowed the District to complete installation of its AMI-metered system and to implement WaterSmart software with the purpose of allowing Rincon customers access to hourly water use data, with the goal of reducing water loss due to leaks on the customers’ side of the meter. The first phase was completed in December of 2019, however, unused funding awarded to another agency was granted to Rincon due to the measurable water savings documented in Phase 1. Phase 2 allowed the District to make efficiency improvements to its Water Smart Software increasing emergency notification delivery (adding live chat in the portal) and AMI hardware, shifting from radio read transmitters to cellular endpoints. Additionally, Phase 2 secures field tablets for operations staff. This grant will conclude in October of 2022.

- XVI WIIN Water Reclamation and Reuse Program – This grand if funded by the Bureau of Reclamation, this grant will allow the District to rehabilitate the Beethoven Pump Station and the North Iris Pump by replacing critical mechanical components and enhancing operational flexibility of aging facilities that are approaching the end of their useful life. This project will also increase reliability to the recycled water distribution system, allowing Rincon to provide recycled water from Escondido’s HAARF to its customers in the most northern and southern portions of its service area.

Mr. Baze then made Directors aware of two potential grants, including the COVID Relief Program (State Water Resources Control Board) and the WaterSMART Grants: Drought Resiliency (Bureau of Reclamation). Staff is currently reviewing these grants and the potential for applying for these opportunities.

After the report, General Manager Baze answered questions from the Directors.
SECTION 4 – FINANCE, INSURANCE & PERSONNEL

4-A. Receive and File Audit Committee Meeting Minutes of August 2, 2021.

Received and filed Audit Committee meeting minutes of August 2, 2021.

4-B. Annual Report of Director Expenses and Reimbursements for Fiscal Year 2020-2021. *(Receive and File)*

Received and filed Annual Report of Director Expenses and Reimbursements for Fiscal Year 2020-2021.

SECTION 5 – OPERATIONS; ENGINEERING & LONG-RANGE PLANNING

Nothing to report.

SECTION 6 – SEWER

General Manager Baze reported that the Harmony Grove Sewer Treatment Plant is operating well. There was one peristaltic pump used for pulling samples that was replaced with another pump that was available at the treatment plant.

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 on the following:

- The next SDCWA Regular Board of Directors Meeting is scheduled for Thursday, August 26th, therefore there is nothing to report. At that meeting, the Board of Directors will be reviewing the upcoming budget.
- The North County Workgroup will meet on Wednesday, August 25th.

After the report, Director Murtland and staff answered questions from Directors.

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 Naves had nothing to report.
• Director Welch reported she attended the California Association of Sanitation Agencies (CASA) Conference, COWU, and the California Special Districts Association (CSDA) Conference.
• Director Drake reported that he attended COWU and a Local Agency Formation Commission Ad Hoc meeting.
• Director Quist reported he has been working on the upcoming Urban Water Institute Conference, which is being held at the Costa Mesa Westin on September 8th and 9th. Guests will include Sandy Kerl of the Water Authority.
• Director Murtland reported on COWU.

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.


General Manager Baze responded to questions regarding:
• The vacant engineering position which is currently undergoing a compensation and classification evaluation.
• The positive outcomes of a several electrical infrared inspections.
• COVID-19 related customer billing and lock-offs.

7-F. ACWA Region 10 Board Ballot for the 2022-23 Term.

General Manager Baze introduced ACWA Region 10 Board Ballot for the 2022-23 Term. The ballot for the ACWA election for the ACWA Region 10 Board of Directors is due by September 30, 2021. Staff is asking that the Directors come to a consensus and vote for either the Nominating Committee’s recommended slate of for a chair, a vice-chair, and a maximum of three choices for Board Members.

After a brief discussion, Director Drake then asked for a motion:

In a motion made by Director Quist and seconded by Director Welch, the Board of Directors approved to vote for the ACWA Region 10’s Nominating Committees recommended slate by the following roll call vote:
SECTION 8 – GENERAL MANAGER’S REPORT

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

General Manager Baze updated Directors on the most recent COVID-19 statistics and regulations regarding masks and vaccinations. General Manager Baze also announced Alan Heck, a District retiree recently passed away.

8-B. General Manager’s Oral Report.

General Manager Baze reported the following:

- In response to Director Nave’s previous comment regarding additional information on the disbursement report, staff will review the data currently provided on the report and determine how best to present the additional information which he requested.
- In response to Governor Newsom’s executive order regarding lock-offs that expires on September 30th, the District will attempt to work with customers to set-up payment plans for those who are on the lock-off list and have not already done so
- A Union Tribune news article regarding San Diego Pure Water was provide to Directors for discussion.

After the report, General Manager Baze answered Directors’ questions.

SECTION 9 – LEGAL MATTERS


Legal Counsel Alfred Smith provided a written report related to two recent developments involving the California Environmental Quality Act (CEQA). The first, on July 16, 2021, Governor Newsom signed Assembly Bill 819 into law. Effective January 1, 2022, AB 819 requires the electronic filing and posting of CEQA documents.

Second, in Newtown Preservation Society v. County of El Dorado, the California Court of Appeal upheld a local agency’s mitigated negative declaration under
CEQA. In reaching its conclusion, the court expressed the minimum standards whereby a local agency may successfully defend a challenge under CEQA’s “fair argument” test. The “fair argument” test requires an environmental impact report (“EIR”) whenever substantial evidence supports a fair argument that a proposed project may have a significant impact on the environment.

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

9-B. Closed Session

The meeting went into Closed Session at 6:45 p.m.

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 the District’s part at this time.)

b. PUBLIC EMPLOYEE EVALUATION OF PERFORMANCE - Pursuant to Government Code Section 54957(b)(1). Title: General Manager.

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

Closed session adjourned to open session at 8:05 p.m.

9-C. Open Session

Legal counsel reported there was no reportable actions taken during closed session.

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned by President Drake at 8:10 p.m.