The minutes presented herewith are not a verbatim transcription of the Regular Board meeting held in person and electronically September 28, 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
September 28, 2021

A Regular Meeting of the Board of Directors of the Rincon del Diablo Municipal Water District was held electronically on Tuesday, September 28, 2021, at 5:00 p.m.

Directors Present: Drake, Murtland, Naves, and Welch (electronically).

Directors Absent: Quist.

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

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

Guests: John Tenger, Deputy Chief, Escondido Fire Department.

President Drake called the meeting to order at 5:02 p.m., which was followed by Director Naves, 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 Murtland and seconded by Director Naves, the Board of Directors approved the following consent items:
1-A. Minutes of the Regular Board of Directors Meeting of August 24, 2021.
1-B. Minutes of the Regular Board of Directors Meeting of September 14, 2021.
1-C. General Fund Disbursements, August 2021.
1-D. Investment Report, August 2021.
1-F. Board of Directors’ Per Diem Fees and/or Expense Reports, August 2021.

by the following roll call vote:

Drake  Aye
Murtland Aye
Naves   Aye
Quist   Absent
Welch   Aye

SECTION 2 – EMERGENCY PREPAREDNESS & FIRE SERVICES


Received and Filed Emergency Preparedness & Fire Services Committee Meeting Minutes of August 4, 2021.


Received and Filed Emergency Preparedness & Fire Services Committee Meeting Minutes of September 16, 2021.


Deputy Chief John Tenger provided the report in Chief Vogt’s absence:

• Farm Fresh Fire & Water Expo – The Rincon Water and Escondido Fire Department hosted the Farm Fresh Fire & Water Expo on Saturday, September 25th at Station 4 at Kit Carson Park. The event was well attended. The Expo included a petting zoo, food trucks, emergency vehicles including fire trucks, the Escondido Command Center, a SWAT vehicle, and a number of vendors and participants.
Fires – There are still a number of wildfires that are burning throughout California. The Escondido Fire Department has one engine in Northern California fighting the Windy Fire in Tulare County. There is also one line paramedic on the Dixie fire. Firefighters and EMTs continue to be rotated to these fires to assist fighting wildland fires.

Wildfire Camera Project – Two SDG&E cameras are scheduled to be placed within Escondido. The first is scheduled to be installed on the R-6 Tower and the second near the Wolford Airport. The cameras will be used to monitor wildland areas for fire.

Personnel – Recruitment for Firefighter Paramedics continues. The vacancies are due to normal attrition.

Local Fires – There have been no local city or wildland fires to report.

After the report, Deputy Chief Tenger answered the Directors’ questions.

SECTION 3 – PUBLIC INFORMATION & INTERGOVERNMENTAL RELATIONS


Julia Escamilla, Public Information Officer, began her presentation with photos taken at the Rincon and Escondido Fire Department’s Farm Fresh Fire & Water Expo. This year’s expo included two food trucks, kettle corn, and Hawaiian ice. The expo also included a popular petting zoo. Approximately 2,000 people attended the event.

Ms. Escamilla then provided the Focus on Conservation Report. Ms. Escamilla reported the water year will be ending soon. Northern California precipitation is extremely below average. The average level is at 51.8 inches and the current precipitation level was at 24 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 level and above the driest year in 1977. It is currently at 40% of historical average and at 24% of capacity. Lake Oroville is slightly different. It has dropped below the driest year in 1977 and is at 36% of historical average and at 22% of capacity. Lake Mead is following the same trend and is currently 34% full. Lakes Mohave and Havasu have had very little change and are doing well. Lake Mohave is at 89% of capacity and Lake Havasu is at 91% full.

The Drought Monitor indicates that a portion of the southeastern portion of California that was Exceptional Drought in August has improved to Extreme Drought. The Wildland Fire Potential Outlook has significant changes. The Northwest, Idaho, Montana, Wyoming, North Dakota, and South Dakota as well as
Southern California are no longer considered as having Above Normal significant wildfire fire potential. Parts of Arizona and New Mexico and portions of the South are now considered normal potential, while the east coast is now considered as having an Above Normal significant wildland fire potential outlook. Ms. Escamilla then shared the Quarterly U.S. Seasonal Drought Outlook, which indicates for the period of September 16 through December 31, 2021, that in the western United States, the drought will persist. In the uppermost corner, although the drought remains, it is improving. The Drought Outlook for San Diego remains consistent.

Ms. Escamilla ended the report with trivia regarding the cost of water. Following the presentation, Directors and staff discussed the drought. After the discussion, 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:

- Water Moratorium Shut-off

  In response to the call from environmental justice advocates to extend the moratorium on customer water utility shutoffs, a last-minute budget bill extended the September 30th shut-off date to December 30, 2021. This includes:
  - $1.3 Billion in water/wastewater infrastructure ($650 million earmarked for wastewater);
  - $300 Million for SGMA implementation;
  - $100 Million for SWEEP Program (on farm Ag water efficiency);
  - $200 Million for water conveyance;
  - $300 Million for flood protection;
  - $400 million for groundwater cleanup and water recycling;
  - $250 Million for environmental flows;
  - $100 Million for PFAS support;
  - $20 Million for Aqueduct solar panel pilot studies;
  - $500 million for small supplier drought relief & Urban water management grants;
  - $445 Million for wildlife/habitat water resilience projects; and
  - $97 million for data, research and communications.
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- SB 323 (Caballero, D-Salinas) – Legal Action on Water and Sewer Service Rates:

  SB 323 establishes a 120-day statute of limitations for water and sewer rates. SB 323 was passed by the Legislature and is awaiting action by the Governor.

- AB 361 (Rivas, Robert D.) – Open Meetings: State and Local Agencies: Teleconferences.

  AB 361 was passed by the Legislature and signed by Governor Newsom on September 16, 2021. AB 361 allows local agencies to continue holding virtual meetings, during specified emergencies, without complying with specified Brown Act restrictions in certain state emergencies. SB 361 is set to sunset on January 1, 2024.

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

3-C. Funded Grants and Grant Opportunities.

General Manager Baze updated the Directors on the two grants that were discussed at the August Board of Directors’ meeting:

- The first is the Water Systems COVID-19 Relief Program with funding from the State Water Resources Control Board. Finance staff has completed an application. Staff was able to apply for $137,930 which is slightly less than the $175,697 the District has been unable to collect. Staff is expecting a response to the application by November 2nd.

- The second grant is the CSDA grant. This grant has $100 million of funding that is available to special districts. Staff is hoping to be awarded the difference between the $137,930 requested in the State Water Resources Control Board grant and the amount the District has been unable to collect. The application submission period is October 1st to October 15th.

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

SECTION 4 – FINANCE, INSURANCE & PERSONNEL

Nothing to report.
SECTION 5 – OPERATIONS; ENGINEERING & LONG-RANGE PLANNING

5-A. R-1 Drain Line.

General Manager Baze and Interim Engineering Manager John Christopher brought forward R1 Drain Line. Staff is requesting the Board of Directors authorize the General Manager to execute contracts and move forward with the design and construction process for the R1 Drain Line Replacement Project within the budgeted amount of $400,000. The project consists of replacing approximately 700 lineal feet of existing 14” diameter pipe previously installed in approximately 1956.

The existing 14” pipeline has expended its useful life and is in need of replacement. This pipeline serves as both a drain and an emergency overflow for the Potable and Recycled R1 reservoir tanks.

After General Manager Baze and Mr. Christopher answered questions, President Drake asked for a motion:

In a motion made by Director Murtland, and seconded by Naves, the Board of Directors authorized the General Manager to execute contracts and move forward with the design and construction process for the R1 Drain Line Replacement Project within the budgeted amount of $400,000 by the following roll call vote:

Drake       Aye
Quist       Absent
Murtland    Aye
Naves       Aye
Welch       Aye

SECTION 6 – SEWER

General Manager Baze reported there was a planned inspection at the Harmony Grove Village Sewer Plant, which the Regional Board rescheduled for September 28, 2021. Sean Coughlin, the operator of the plant met with the inspector. The inspection was quickly concluded, and it is expected the inspection went well.

General Manager Baze also reported at the Fire and Water Expo, PIO Escamilla provided information to attendees regarding “flushables” and the potential damage they cause to the treatment plant. A discussion followed.
After the report, General Manager Baze and Operations Manager Steve Plyler answered questions from Directors.

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:

- Finance Committee – At the Finance Committee, regional water sales projections were discussed and the Water Authority’s 2021 Long-Range Financing Plan was adopted.
- Engineering – During the Engineering Committee an agreement with the City of Poway for the design of the new treated water connection and Poway 5 Flow Control Facility and the General Manager was authorized to award a contract for the purchase of two 72-inch butterfly valves for the Pipeline 5 Relining from Twin Oaks Valley Road to Crossover Pipeline Turnout project were approved.
- Imported Water – During the Imported Water Committee, a Summary of the State Water Project was provided. There was also discussion on the steps the State of California is taking to reduce the convergence reserve storage and protect water quality.
- Fallbrook and Rainbow Detachments – An update on the Fallbrook Public Utility and Rainbow Municipal Water District detachment was provided.
- Director Updates – Director Murtland reported Marty Miller was appointed as a Metropolitan Water District Director replacing Director Hogan and provided information on the replacement process of Jerry Butkiewicz.

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 is attending a number of conferences and webinars to gain knowledge related to her directorship and is currently attending a CSDA Conference.
- Director Murtland congratulated staff on the success of the Fire and Water Expo.
- Director Drake reported on the Urban Water Institute Conference and the CSDA Conference.
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), August 2021.

General Manager Baze responded to questions regarding:
- The vacant engineering position. The position is currently undergoing a compensation and classification evaluation. Consultant John Christopher is the Interim Engineering Manager.
- The lack of precipitation.
- Conservation, drought, and mandatory water use reductions.

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. As of September 27, booster vaccines are available for specific groups. There was staff incident which fortunately resulted in a negative test result. General Manager Baze also reminded Directors that retiree Alan Heck’s memorial will be held on Sunday, October 3rd. In closing, General Manager Baze reminded Directors that Health Benefits Open Enrollment forms are due no later than October 15th.

8-B. General Manager’s Oral Report.

General Manager Baze reported the following:

- Effective 2035, the Governor has required that fleet vehicles be electric. The District fleet will need to be replaced in 2024-2026. At that time half the vehicles will need to be zero emission vehicles. In addition to purchasing the new vehicles, the District will also need to purchase charging stations for these vehicles.
- A Union Tribune Water Authority article related to customers conserving water was shared with Directors. The article also mentions a SDCWA five
to ten percent rate increase next year. PIO Escamilla is currently working on messaging to customers regarding water conservation.

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

SECTION 9 – LEGAL MATTERS


Legal Counsel Alfred Smith provided his Attorney Report. The report provided information regarding AB 361, which incorporates into California state law some aspects of the teleconferencing rules that have applied by Executive Order to local public agencies during the COVID-19 pandemic. Because AB 361 included an urgency measure, the law was immediately effective as of the date of the Governor’s signature. AB 361 provides that it sunsets on January 1, 2024.

The report included the benefits, the requirements, the notice requirements, and the public participation requirements.

AB 361 stipulates that no later than 30 days after teleconferencing for the first time under the AB 361 rules, and every 30 days thereafter, the Legislative body shall make the following finds by majority vote:

- The legislative body has reconsidered the circumstances of emergency, and at least one of the following circumstances exist:
  1. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
  2. State or local officials continue to impose or recommend measures to promote social distancing.

The Governor’s current virtual meeting Executive Orders remains in effect, if not rescinded, until September 30, 2021. The legislative findings that Mr. Smith reported on will be required at least every 30 days thereafter, for as long as a local agency continues to invoke AB 361 for conducting board meetings.

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

9-B. Closed Session

(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).

There was nothing to discuss.

9-C. Open Session

There was nothing to discuss.

ADJOURNMENT

There being no further business before the Board of Directors, the meeting was adjourned by President Drake at 6:15 p.m.

APPROVED: __________________________
David A. Drake, President

ATTEST: __________________________
Wanda Cassidy, Clerk of the Board