The minutes presented herewith are not a verbatim transcription of the Regular Board meeting held in person and electronically October 26, 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
October 26, 2021

A Regular Meeting of the Board of Directors of the Rincon del Diablo Municipal Water District was held electronically on Tuesday, October 26, 2021, at 5:00 p.m.

Directors Present: Drake, Quist, Murtland, Naves, 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; John Christopher, Interim Engineering Manager; and Wanda Cassidy, Clerk of the Board.

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

Guests: Rick Vogt, Chief; and Lavona Koretke, Deputy Fire Marshal, Escondido Fire Department.

President Drake called the meeting to order at 5:02 p.m., which was followed by Director Quist, 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-A. Minutes of the Regular Board of Directors Meeting of October 12, 2021.
1-B. Minutes of the Regular Board of Directors Meeting of September 28, 2021
1-C. General Fund Disbursements, September 2021.
1-D. Investment Report, September 2021.
1-F. Board of Directors’ Per Diem Fees and/or Expense Reports, September 2021.

by the following roll call vote:

Drake       Aye
Murtland    Aye
Naves        Aye
Quist        Aye
Welch         Aye

SECTION 2 – EMERGENCY PREPAREDNESS & FIRE SERVICES


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

- The Fire Department responded to a structure fire at 12:00 a.m. off of Valley Center Road. The structure was fully engulfed when fire fighters arrived. One fatality was reported. The fire is under investigation.
- Funding is available for the Rincon Fire Protection District through the American Rescue Plan Act. San Diego County has set aside $4 million for the Fire Protection Districts throughout the County. Available funding is based on District populations. The Rincon Fire Protection District’s portion is approximately three percent or approximately $127,300. Purchases must be for COVID-19 related items. Most likely, this will be personal protective gear. Chief Vogt and Director of Administration and Finance Umbrasas will be working together on the details.
- Two Alert Wildfire System cameras are being installed. The first is scheduled to be placed on the District’s reservoir off of Johnson Road. The second will be placed at the air strip near Lake Wohlford. The cameras will be used to detect and view wildland fires.
- The Knox Box project is moving forward. As of October 26, 2021, 38 Knox Boxes had been installed and 20 applications are pending. Chief Vogt then shared a note of appreciation related to a recipient and the project.
Chief Vogt introduced Deputy Fire Marshal LaVonia Koretke. Fire Marshal Koretke announced the Fire Department will be increasing their staff. This includes two new full-time fire inspectors and one part time inspector who will be focusing on vegetation management.

The Escondido City Council October 27, 2021, meeting agenda includes a request for the purchase of three new fire engines, three new ambulances and one brush engine.

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

SECTION 3 – PUBLIC INFORMATION & INTERGOVERNMENTAL RELATIONS


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

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

Julia Escamilla, Public Information Officer, began her presentation announcing on that on Monday, October 25th, Sacramento received 5.44" of rain in a 24-hour period. This is the highest rainfall since 1890 and is the equivalent of one-third of its annual rainfall average. Ms. Escamilla then shared photos of 24-hour snowfall accumulation throughout areas of Northern California.

Ms. Escamilla then provided the Focus on Conservation Report. The new water year started on October 1st. Northern California precipitation is currently at 12.4", which is a significant increase over previous years. As of October 25th, Lake Shasta is at 1,1001,122 AF, which is 22% of total capacity and at 41% of historical average. For the new water year, Lake Oroville is at 52% of historical average and at 27% of total capacity. Lake Mead is following the same trend and is currently 34% full. Lake Mohave dropped to 81% of capacity and Lake Havasu is up to 94%. Precipitation was at 1.6", which was 202% of average. There is no snowpack.

The Drought Monitor indicates there has not been any change. The Wildland Fire Potential Outlook has improved, with no significant risks in San Diego County. The Precipitation Outlook for Southern California indicates below normal rainfall and normal rainfall through the remainder of California. Ms. Escamilla then shared local rainfall for October throughout Southern California.
Following the presentation, Directors and staff discussed the drought. After the discussion, Ms. Escamilla answered questions from the Directors.

3-C. Legislative Update.

District Legal Counsel Alfred Smith provided the Legislative Update. Mr. Smith reported that October 10th marked the end of the Governor's bill signing window, officially closing the first year of the 2021-2022 session.

Mr. Smith then reported the following:

- **Drought Update**
  In a joint press conference at the end of the water year on September 30th, Secretaries Crowfoot, Nemeth, Ross, and Chair Esquivel gave an update on the drought implications and what it means for the state.

  Secretaries Crowfoot, Nemeth, Ross, and Chair Esquivel also said if continued dry conditions force the Governor to implement mandatory reductions, they want to follow the lead of the locals on implementing conservation measures, and the state should not have a "one size fits all" approach as they have in prior droughts. They believe the focus on conservation should be on outdoor water usage. On October 19, Governor Newsom declared a drought emergency for the entire state of California, as conservation efforts continue to fall significantly short of state targets.

- **State Funding**
  The Governor signed SB 170, which together with the funding allocated in the July Budget bill, totals $5.1 billion for drought related projects. Upon signing, department of Water Resources (DWR) and the State Water Board stated they are rushing to get the money out the door to finance Priority projects.

- **Water and Wastewater Arrearage Payment Program**
  The State Water Board hosted a public webinar on the California Water and Wastewater Arrearage Payment Program on Wednesday, October 20 to review the plan details and answer questions on implementation.

  The funding for this program will cover water debt accrued between March 4, 2020, and June 15, 2021. The program also allows water systems to claim up to 3% in administration fees.

- **Water Loss Performance Standards**
  The State Water Board staff has advised the Board members of the imminent release of the proposed draft water loss performance standards and associated economic model. This will initiate the
formal rulemaking to implement California Water Code Section 10608.34 (SB 555 by Wolk, 2015). Final water loss standards adopted by the State Water Board will require urban water suppliers (serving potable water to 3,000 or more connections or serving 3,000 of more acre feet of water) to meet individually calculated volumetric distribution system leak loss reduction targets by 2028.

- **Department of Water Resources**
  The DWR and the State Water Board continue to implement the comprehensive water conservation and drought planning legislation of 2018, AB 1668 (Friedman) and SB 606 (Hertzberg).

In closing, Mr. Smith provided updates on the Indoor Water Use Study, the Outdoor Irrigation Standard, the Residential Landscape Area Measurement (LAM), and the Commercial, Industrial, and Institutional (CII) Irrigation Standard and Performance Measures.

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

3-D. **Funded Grants and Grant Opportunities.**

General Manager Baze updated the Directors on the COVID-19 grant that was discussed at the August Board of Directors’ meeting:

- Josie Traslavina-Washington, the District Accountant, is currently working with the State on the COVID-19 grant funding. As of this date, it appears the District will receive $155,389. The District is one of the first agencies to apply for the grant and it is expected to receive funds in the near future.
- There are additional grant opportunities available, however, there are no projects that fit into the grant guidelines.

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

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

4-A. **Amendment to Agreement with Raftelis Financial Consultants.**

Staff requested the Board of Directors approve an additional $20,295 for the rate study. The original contract was quoted at $54,673, which was well below the $70,000 that was budgeted for this project. Staff is requesting an additional $20,000 due to changes in the scope of work, which includes changes in the rate model and methodologies. In addition, staffing issues for both the District and Raftelis increased the timeline for project completion.
Director of Administration and Finance Umbrasas answered Directors' questions, and President Drake asked for a motion:

In a motion made by Director Welch and seconded by Director Naves, the Board of Directors approved an amendment increasing the compensation by $20,295 for a total of $74,968.

- Drake Aye
- Quist Aye
- Murtland Aye
- Naves Aye
- Welch Aye

SECTION 5 – OPERATIONS; ENGINEERING & LONG-RANGE PLANNING

5-A. Approve Additional Project Expenditures for the Citracado Meter Relocation Project.

Staff is requesting that the General Manager increase the approved construction costs from $38,420 to $59,000 for the Citracado Meter Relocation Project. In additional, staff is requesting a construction contingency in the amount of $10,000.

The addition in construction costs is due to an increase in the length of service laterals required to connect to the customer's existing services. The construction contingency will only be used if unforeseen field conditions are found, such as encountering rock during excavation. The work will be fully inspected and will conform to District standards of construction. 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 Welch, and seconded by Director Quist, the Board of Directors authorized the General Manager to enter into a lump sum contract with Shaw Equipment Rentals, Inc. in an amount not to exceed $59,000 with an additional $10,000 for a project contingency, with a provision that legal counsel review the agreements related to the Citracado Bridge design between the District and City of Escondido by the following roll call vote:

- Drake Aye
- Quist Aye
Authorize Purchase of Additional Badger Endpoints for the Continuation of the District's Advanced Metering Infrastructure (AMI) Project.

Staff is requesting the Board of Directors approve the purchase of additional Badger Endpoints for the continuation of the District's AMI project utilizing previously approved Capital Improvement Program appropriations.

In 2009 the District conducted a comprehensive AMI pilot study using 1,000 meters in the ID-A service area. Following the successful completion of the study, the District engaged in an aggressive AMI upgrade project in January of 2011. The complete upgrade process, including water meter and meter lid replacement, radio transmitter installation, and radio transmitter installation took approximately three years, and was completed in June of 2014. HP Electronics Mega Net was selected as the AMI hardware because of its ability to interface with multiple meter manufacturers and to provide two watts of output power over the District' service area.

In September of 2019 additional WaterSmart grant funds became available and after discussion with field staff, several enhancement opportunities were identified that would benefit the future of the AMI program. Grant funds totaling $268,046 were awarded to the District which allowed for a new pilot program for 1,000 next generation cellular transmitters. This technology allows staff to use Water Smart and GIS in the field and WaterSmart enhancements such as online chatting with customers and leak notification. The selected location for the pilot project was also in ID-A using the same services as in the original pilot. These services are the furthest from the Administrative building and located where the topography is most problematic in the District.

Based on the current success of the AMI second-generation program, staff is recommending the purchase of an additional 3,550 cellular endpoints. This purchase will help phase out the first-generation AMI project as it continues to reach the end of its useful life. Additionally, staff has been advised that due to supply chain issues, a purchase order presented this month would result in project deliveries scheduled for late February of next year.

After staff answered Director’s questions, President Drake asked for a motion:

In a motion made by Director Welch, and seconded by Director Quist, the Board of Directors authorized the General Manager to purchase 3,550 cellular endpoints for a total of up to $526,126.39 and transfer $150,000 from the WW PEIR and Master Plan capital project (05-5200-52198-0000) to the AMI capital project (05-5200-
provided that the vendor’s warranty or service agreement include language indicating the vendor will continue to provide the maintenance, service, and any upgrades, if necessary, in the event of a merger or in the event of a technology change or upgrade at the vendor’s expense by the following roll call vote:

Drake  Aye
Quist  Aye
Murtland  Aye
Naves  Aye
Welch  Aye

SECTION 6 – SEWER

6-A.  Harmony Grove Sewer Treatment Plant Update.

General Manager Baze reported everyone enjoyed the Sewer Treatment Plant tour with Sean Coughlin, the Sewer Treatment Plant operator.

General Manager Baze then reported that the results of the Sewer Treatment Plant’s survey were received.

On the tour, Mr. Coughlin reported the State had indicated some mandatory lab tests had been rescinded. The formal documentation regarding the cancellation of the tests were received.

In closing, General Manager Baze reported the Operations and Maintenance Agreement with Dudek expires in February 2022. The agreement will be taken to the Sewer Committee for discussion.

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 SDCWA September meeting previously.

Additional announcements included:

- SDCWA continues its opposition to the Rainbow Municipal Water District and the Fallbrook Public Utilities detachment from the SDCWA.
Helix Water District General Manager Carlos Lugo will be retiring in in the next few years. In preparation to his departure, the Board of Directors approved an Assistant General Manager position.

Marty Miller was appointed as a Metropolitan Water District Director replacing Director Hogan.

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 her attendance at COWU and her appreciation for continuous learning opportunities.
- Director Murtland reported on his attendance at COWU.
- Director Quist reported he is on the Urban Water Institute’s Planning Committee for the next Urban Water Institute Conference.
- Director Drake reported he is currently working on a home project and will be participating on a panel on water job recruitment at the upcoming 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), September 2021.

General Manager Baze responded to questions regarding the Villages and potential revenue and the upcoming calendar.

7-F. Authorize the General Manager to Approve a Professional Services Agreement to Comply with State Required Redistricting.

Staff is requesting that the Board of Directors authorize the General Manager to execute a Professional Services Agreement for the purpose of hiring a professional consultant to perform State required redistricting services.
The United States Census Bureau conducted the decennial census in 2020. The results of the U.S. Census have been released for use in the redistricting process, during which Congressional, State Senate, State Assembly, County Supervisor, and city and special district division boundaries are drawn.

Previously, District staff worked on the reapportionment of the boundaries for the District's five divisions. However, since 2011, the California Voting Rights Act and the Fair Maps Act have changed the process significantly and increased the legal requirements for the process. Although the Fair Maps Act does not apply to special districts, redistricting specialists recommend upholding the spirit of the legislation in terms of holding the required number of public hearings and performing the outreach required by law. Some state legislators have proposed bills that, if passed, could hold special districts accountable to difference elements of the Fair Maps Act, so it may be beneficial to follow the law as closely as possible even if the District is not required to do so.

The Fair Map Act requires five public hearings for cities and counties: two conducted prior to the line drawing, two more held for public input and changes after maps have been made public, and one final hearing for adoption of a map that has been made public for seven days prior to adoption. Some redistricting consultants recommend that special districts, which are not covered by the Fair Maps Act, hold at least three public hearings instead of five.

Outreach criteria also requires that communities of interest be identified and that notices of public hearings be posted and advertised within those communities. A consultant is able to use census data to identify what languages are used in those communities and provide translation services if necessary.

In a motion made by Director Quist, and seconded by Welch, the Board of Directors authorized the General Manager to approve a Professional Services Agreement to comply with state required redistricting:

Drake Aye
Quist Aye
Murtland Aye
Naves Aye
Welch Aye

7-G. Consider Implementing Assembly Bill 361 that Provides the Ability to Meet Remotely Due to the Governor's Proclaimed State of Emergency Under Modified Brown Act Requirements.
General Manager Baze introduced Consider Implementing Assembly Bill 361 that Provides the Ability to Meet Remotely Due to the Governor’s Proclaimed State of Emergency Under Modified Brown Act Requirements.

Beginning in March of 2020, Governor Newsom issued a series of Executive Orders in an effort to contain the spread of COVID-19. These Executive Orders (N-25-20, N-29-20, N35-20) modified certain requirements of the Brown Act in order to continue with public meetings, public participation, and transparency safely during the pandemic.

In June of 2021, the Governor rescinded the Brown Act modifications made in the previous Executive Orders that will be effective on September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361, which extends virtual meetings for all Brown Act meetings (board and committee meetings) with certain conditions.

Staff recommended that the Board of Director invoke AB 361 in order to continue with a hybrid of virtual and in person Brown Act meetings. It is recommended that the Board of Directors reassess the circumstances of the state of emergency at each subsequent Board Meeting to determine if continuing under AB 361 is necessary, as the findings are required to be reviewed every 30 days.

After a brief discussion, President Drake asked for a motion:

In a motion made by Director Quist, and seconded by Welch, the Board of Directors authorized the General Manager to implement Assembly Bill 361 that provides the ability to meet remotely due to the Governor’s proclaimed State of Emergency under modified Brown Act requirements by the following roll call vote:

Drake Aye
Quist Aye
Murtland Aye
Naves Aye
Welch Aye

SECTION 8 – GENERAL MANAGER’S REPORT

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

General Manager Baze reported the COVID-19 booster shot and brands are interchangeable, regardless of the vaccine product used for the primary vaccination.
8-B. General Manager’s Oral Report.

General Manager Baze reported on the following:

- An update on the Bond issuance.
- A drought update regarding conservation and voluntary conservation savings.
- The NIMS/SEMS training will be scheduled for January.
- The Engineering and Long-Range Planning Committee meeting will be moved from December to November 16th.
- The Defensive Driving Training is tentatively scheduled for November 9th starting at 12:00 and will be followed by a tour of the Rockhoff Pump Station.
- That General Manager Baze will be out of the office from November 2nd to November 8th.

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

SECTION 9 – LEGAL MATTERS


Legal Counsel Alfred Smith provided his Attorney Report. The report began with an update on the legislative calendar.

Mr. Smith then reported the Governor signed AB 323, the bill related to Proposition 218 and its statute of limitations.

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 as long as Rincon Water is involved. No action is required on the District’s 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 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:**

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David A. Drake, President

**ATTEST:**

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Wanda Cassidy, Clerk of the Board