



MINUTES

REGULAR MEETING OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS 6425 MAIN STREET, GEORGETOWN, CALIFORNIA 95634

TUESDAY, FEBRUARY 8, 2022
2:00 P.M.

BOARD OF DIRECTORS

Michael Saunders, President
Mitch MacDonald, Vice President
Mike Thornbrough, Treasurer
Donna Seaman, Director
Gerry Stewart, Director

MISSION STATEMENT

It is the purpose of the Georgetown Divide Public Utility District to:

- Provide reliable water supplies
 - Ensure high quality drinking water
 - Promote stewardship to protect community resources, public health, and quality of life
 - Provide excellent and responsive customer services through dedicated and valued staff
 - Ensure fiscal responsibility and accountability are observed by balancing immediate and long-term needs.
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1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

President Saunders called the meeting to order at 2:20 PM

Directors Present: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

Director MacDonald led in the Pledge of Allegiance.

2. ADOPTION OF AGENDA

MOTIONED BY DIRECTOR STEWART TO ADOPT THE AGENDA. SECONDED BY DIRECTOR MACDONALD.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

REPORT OUT OF CLOSED SESSION

President Saunders asked Legal Counsel to report out of Closed Session.

Erin Dervin reported that the Board three items were discussed in closed session. One item is on the regular agenda and will be taken up during the regular agenda. No action was taken on the second item. On the third item, Adam Coyan was taken off probationary to a permanent employee. That is all the reportable items that occurred in closed session.

3. PUBLIC FORUM (ONLY ITEMS THAT ARE NOT ON THE AGENDA)

Steven Dowd read a prepared statement: "The ratepayers are at the top of the top of the organizational chart. Remember the mission statement: One, provide reliable water supplies; two, Ensure high quality drinking water; three, promote stewardship to protect community resources, public health, and quality of life; four, provide excellent and responsive services through dedicated and valued staff; and five, ensure fiscal responsibility and accountability are observed by balancing immediate and long-term needs. You must always remember that you at GDPUD are dealing with the ratepayers' money."

4. PROCLAMATIONS AND PRESENTATIONS

5. CONSENT CALENDAR – Any member of the public may contact a Board member prior to the meeting to request that an item be pulled from the Consent Calendar

A. Financial Reports

- 1. Budget to Actuals Report**
- 2. Pooled Cash Report**
- 3. Monthly Check Report – January 2021**

B. Approval of Minutes

- 1. Special Meeting of December 31, 2021**
- 2. Special Meeting of January 11, 2022**
- 3. Regular Meeting January 11, 2022**

President Saunders pulled Agenda Item 5A from the Consent Calendar.

MOTIONED BY DIRECTOR THORNBROUGH TO APPROVE AGENDA ITEMS 5B-1,2 AND 3. SECONDED BY DIRECTOR MACDONALD.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE

THE MOTION PASSED.

The Board then discussed the financial reports as summarized below:

- Director Seaman asked why the budget account for materials and supplies (under Dept. 5400 Treated Water) was 21% over budget and whether these purchases were for replacing items taken during the recent theft. Mr. Coyan responded part of it relates to \$20,000 that was not transferred to CIP. He further explained much of these are for supply purchases which he reviews closely and insurance will cover the cost of replacing the stolen items.*
- President Saunders requested a legend be added on the pie chart on page 2 of the cover letter to the financial report.*
- In response to President Saunders' inquiry about overtime under Source of Supply (Dept. 5100), Mr. Coyan stated 60% remains in this account. President Saunders noted expenses are high on the raw water side (Dept. 5200). Mr. Coyan stated that will be addressed.*
- Mr. Coyan reported that there is an agreement with Verizon to monitor vehicles for maintenance, idle time, vehicle usage, and fuel expenses. This will be done on a periodic maintenance schedule. The Verizon contract is just over \$200 a month to monitor all the District vehicles.*
- President Saunders noted a discrepancy in the Budget Report for the period activity under the Water Fund. On Page 1 it shows \$52.29; however, in the summary at the end of the report it shows \$623.185. He asked if this was a printing error. Mr. Coyan indicated he did not know, but he would look into where the values re coming from in Tyler.*
- President Saunders asked for a breakdown on payments to consultants to monitor where contract amounts are being exceeded. He stated he was aware of exceedance in two contracts: Gloria Omania and Eide Bailly.*
- In response to President Saunders, Treasurer Thornbrough stated Check #32943 to the State Water Resources Control Board in the amount of \$293,678.39 was an SRF loan payment. Mr. Coyan stated he would look to see if additional details can be provided through Socrata.*

Public Comment: *Cherie Carlyn asked why there are voided checks. Adam Coyan stated the shared printer in the District Office did not print properly so 1230 checks had to be voided.*

MOTION BY DIRECTOR THORNBROUGH TO ACCEPT AGENDA ITEMS 5A-1, 2, AND 3. SECONDED BY DIRECTOR STEWART.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE

THE MOTION PASSED.

6. INFORMATIONAL ITEMS

A. Board Reports

Director MacDonald reported he visited the Sweetwater treatment plant and met with Jeff Pulfer who took the time to take him on a tour of the plant. Jeff represents the district well.

He further reported that he attended the ALT community meeting where President Saunders provided a wealth of information, General Manager Adam Coyan and Operations Manager Adam Brown addressed issues specific to the Auburn Lake Trails community. Attendance represented about 30 of the lots or 3% of ALT. Director Macdonald took the opportunity to encourage public attendance at GDPUD Board meetings and participation on committees. We got good feedback to the Board and staff's response to the questions and their willingness to be out there in the public, and the lack of bickering experienced in the past.

President Saunders also reported on the January 19 townhall meeting at ALT Homeowners' Association.

He reported on the January 25, 2022, meeting of the Department of Water Resources regarding the commercial, industrial, and institutional performance measures and the recommendations to go to the state. The goal is to improve commercial water use through a) the classification system, b) conversion threshold in terms of landscape and, c) water use best management practices.

This is six years based. During the first year of implementation districts need to find the top 20% of the water users in this category and this is subtracting processed water—identify industry, restaurants, laundromats, etc. Anyone in the top 2.5% of users as well. The next year you find 20%, and start implementing your best management practices for the first set. To implement, you have a written education and outreach providing it to the commercial users and the follow up to see how efficient it was. The Urban Water Management Plan counts as a best management practice. The key thing is to have a measurement of how these performance measures help deal with making water use more efficient.

Last session President Saunders reported with the efficiency uses for the determination of the Annual Water Year, so the Annual Water Shortage Report is due in July, 2022. However, we determine our Annual Water Year in April, so we may have to do the Annual Water Shortage Report in April. President Saunders will forward the guidelines and information to the District Staff.

B. Legislative Liaison Report

President Saunders reported that the State Water Resource control Board issued emergency water use regulations, effective January 18 for a year, and include:

- *Turning off decorative water fountains;*
- *Ensuring outside water features are on a recirculating water system;*
- *Turning off or pausing irrigation systems when it's raining and for two days after the rain;*
- *Placing automatic shutoff nozzle on all hoses;*
- *Using a broom not water to clean sidewalks and driveways; and*
- *Avoiding overwatering trees.*

President Saunders indicated the District level online portal for submitting applications under the California Wastewater Arrearage program is up and will share the portal with Staff.

President Saunders attended the ACWA Region 3 Board meeting on (date) as a new member of the Board and was elected Alternate Vice-chair.

orientations, the Board workshop and the ACWA Board meeting. President Saunders was elected as Alternate Vice-Chair for ACWA Region 3. They are working on pooling resources and working on ways to have Regional sharing and information dealing with grants which impacts GDPUD. Also share resources regarding wildfire mitigation and water shed resiliency. We will have the Region 3W's program, focusing on Water, Wildfire, and Wine.

C. General Manager's Report

The General Manager summarized his written report including the status of the recruitment of Office/Finance Manager, meetings attended, and administrative tasks performed.

He announced the promotion of Adam Brown to the Operations Manager position through an internal recruitment. Mr. Brown will be required to complete the certification process for Water Treatment Operator III (WTO III) and Water Distribution Operator II (WDO II) within the first two years of employment. President Saunders congratulated Mr. Brown as the first employee to follow the employee succession program which assists Staff in pursuing their advancement goals.

In response to Director MacDonald's inquiry about filling the now vacant Water Resources Manager position, Mr. Coyan indicated there will be a recruitment for that position.

Public Comment: *Steve Dowd commented the Operations Manager job description of 2014 that is posted on the District website did not have a two-year extension and asked the General Manager how he justified this. Mr. Coyan stated it is an industry standard to provide two years to achieve certification levels. Technically, even though Adam Brown will be supervising operators, he is not required to hold certifications, just as most General Managers are not required to have certifications, they can supervise the whole operation. It is unusual for a General Manager to hold a WTO III and WDO III certificates and degrees as Mr. Coyan does.*

Responding to Mr. Dowd's question on what it takes to be certified as treatment operator and distribution operator, the General Manager stated a continuing education course from Sacramento State, or another class available online, is a prerequisite for taking the State Treatment/Distribution examinations for certification. Holding a WTO II certification is eligibility to take the WTO III certification exam. Mr. Dowd then asked why it takes two years and Mr. Coyan stated two years is the industry standard. Once you get the WTO II certificate, you have to have it for a year before you can take the Treatment III exam.

D. Operation Manager's Report

Adam Brown summarized the operational activities as reported in the January 2022 Operations Report. He noted canal and maintenance crew activities were mostly repair work caused by the storm damage such as downed trees across ditches. With repairs pretty much completed, the crews addressed major fixes such as new siding and additional security features to the new equipment shed, and new lighting to the area to help distribution operators responding to night calls.

Mr. Brown noted the Stumpy levels is almost to 19,000 acre feet. The production at the treatment plants is a little higher than in previous years. He further reported the District is working on the maintenance program by bringing in old data and then track it going forward, stating there is going to be a delay while Staff builds the data set.

Director Seaman asked if maintenance work (clearing vegetation, storm debris, etc.) is being documented. Mr. Brown replied that a field tracking data log and worksheets are filled out daily to track maintenance activities. With regard to addressing the storm damage, the crews started at the top and worked their way down making sure water was getting to the treatment plants. The cutting season when there is a lot of grass and brush growth has not yet started. The crews are working more on emergency maintenance needs which is tracked to determine where the crews need to go.

Director Seaman remarked that with 30 days of dry weather we can be pro-active and look at clearing and cleaning because a lot of the grow areas have never been touched along the ditches. Maybe we should look more a what is happening with the weather now and we don't expect a weather change for another couple weeks or so and start getting aggressive with some of the blackberry bushes along the ditches and make sure that easements are cleared so we can be a little more assertive on our cleaning. In a past report Director Seaman said she asked if we were going to start a GAS, you mentioned you were going to do a DAS of any storm damage or overflow that had caused damage and asked if it had been done. Adam Brown said it has not been completed yet, but it is on the list to do.

Director MacDonald commented the graph for Stumpy Meadow, it is easier to read—the report is easier to read in general. With regard to the refill agreement, Director MacDonald asked if anything over 18,000 acre feet is being released and whether there is a possibility the District can meet refill commitment. Mr. Brown stated the District is currently storing, and not releasing, anything over 18000 ac-ft.

E. Water Resources Report

Adam Brown reported that between December 28 and January 26, the Delta was in excess, and Folsom was releasing into the American River. During that period, we exceeded 18000 ac-ft. and stored an additional 500 ac-ft. by our calculations. By our calculations we have met 500 ac-ft. of the 2000 ac-ft. of the refill agreement. Data gets submitted the 15th of each month for the previous month so we haven't confirmed that with DWR. This the credit I mentioned last month. We should have a better update once the data is submitted. We are storing what we can now.

President Saunders asked if the 108% of average on January 31 2022, noted in the report was a typo. Adam Brown confirmed it was actually at 108% of average on that date; with the dry weather, it has quickly gone down to 89%.

President Saunders commented that our gross water use is at 121 gallons per day per capita which remains the lowest in our Sacramento Valley Basin region. That will be one of the things to look at when it comes to our water usage. The target that they're looking for is 105 which I don't see us reaching that. However, the Sacramento Valley averages 235, so we are well below the average for region. The LAN will be key in terms of keeping our balance of our per capita use in this area and our outdoor use. Next month we need the forecasting to look forward so we can start working on that in preparation of the April meeting.

Director Seaman asked if the 500 ac-ft. is the projected of what Folsom released during that January period and you were going to check what the release was and how it credits to us? Is there a possibility we will not have to release water to them because of their projected release or because of the hundreds of acre feet they have already released.? We should be getting a credit, we shouldn't have to fill because of their release. We need to find out, maybe we don't have to pay them back anything—we're done. Maybe we don't have to do the same level, correct? Adam Brown replied there is that thought. However, DWR probably won't look at it like that. When we did the temporary water transfer, we did it with PCWA, Forrest Hill and us. PCWA is much larger than us and we are working together on this to answer that question. We have not specifically asked them. We are working as a team to have the best negotiation tactics to present our case. Director Seamon asked when are we going to get an answer. Adam Brown said we are submitting our report the middle of the month, and I'll put a meeting together where we can discuss the issue with the agencies and our consultants helping us with this project. We'll get an answer as soon as we can. Hopefully we'll have for the March meeting. I can't promise or guarantee it, because DWR can take a very long time to respond. When I have the answer, I will share it. It not been forgotten. We had to see what the excess period was, it had just started, and it was too early to determine the answer to see what the numbers came out to be after the release period.

President Saunders commented it will also provide answers to one of the questions about the numbers for the refill to see if it is a cap number or an infinite number. There is a number on the refill agreement I'll give you the item number to ask as well.

Public Comment: Steve Proe asked in regard to the GIS repairs made as a result of storm water damage, since your appointment as the Operations Manager, have you been given any information or correspondence I have sent to the District in regard to my parcel and parcels above me? Adam Brown replied, I haven't. Steve Proe asked what the chain of command is for you to receive it. Adam Brown responded Mr. Proe can email him directly or through the General Manager. Mr. Proe said the General Manager is well aware of what I am speaking about.

F. Water Supply and Demand Summary

Adam Brown reported there is nothing out of the ordinary. Some of our loss is going down.

Public Comments: Steve Proe asked, with Stumpy Meadow a little bit over 1900 ac-ft, if the District been discharging into any other place other than the system i.e., Pilot Creek to feed the overflow situation at Folsom and how much has been disbursed. He indicated he was trying to figure out the 500 acre-feet with the Bureau of Reclamation as being a credit. Are we diverting from Stumpy over the last few months and preventing it from overflowing by sending water somewhere else?

Adam Brown responded that the District has in route diversions that come into the ditch which are monitored. What we're releasing from Stumpy is our minimum fill requirement. It's right above 2 cfs. We are not releasing anything in response to a refill agreement. Depends on water year it is between 4 cfs and 2 cfs. This year it was 2 cfs because of the allowable limit, the State we're going to be below that and allowed the lower threshold this year. That will be updated in April or May.

Steve Proe asked if that agreement was with Fish and Game, or the State Water Resources, and Mr. Brown responded it is the District's water rights and it all ties together with the State Board of Water Resources.

Adam Brown: It is in our water rights. It all ties together with the State Board.
Steve Proe: There is a requirement set by Fish and Game that supersedes the State Water Department, and I believe that is at 5 cfs per second and that would not be measured anywhere else other than the dam below Stumpy—the concrete diversion dam.

President Saunders: Commented there are some new requirements that come into play with drought. We can send you that information.

Adam Brown: The annual zone report we completed and submitted. Inspector doing routine annual mount sampling and surface water sampling and our quarterly groundwater water sampling during the month of January.

Public Comments: None.

7. COMMITTEES

A. Finance Committee – Steven Miller, Chairman

Mr. Miller reported the Committee met January 27 and voted Andy Fisher as Vice

Chairman, Marilyn Boehnke as Secretary. They may reconsider this slate of officers once additional Committee members are appointed.

He stated the Committee reviewed actuals and found no significant anomalies. Also reviewed the annual audit and concurred with the auditors' recommendations.

Public Comments: None

B. Irrigation Committee – Director Seaman

9B1 appointments – it's a running admission.

C. Ad Hoc Grant Writing Committee – Director Saunders

President Saunders reported the committee met and discussed CalFire grant we'll have our recommendations going forward. and also, some of the may grants that are through the new infrastructure bill. We're going through those and highlighting the grants we can apply for. A lot of these grants are coming up quickly with little time to have approvals in they're coming in between board meetings. We're working on standard support letters from elected leaders. Work on getting those drafts for each CIP project so we can have a project description going forward so we can just plug in what we have. Also collating all our CIP projects by category so when a grant comes up, we can try and plug them into the different categories.

President Saunders indicated the following two committees will probably meet sometime this month to get organized.

D. Ad Hoc Committee for Policy Manual – President Saunders

E. Ad Hoc Committee for the Audit Committee – Director Saunders and Director Thornbrough.

Public Comments: None.

8. OLD BUSINESS

A. Review Other Districts' Policy on Inactive Meters and Consider Amending GDPUD Policies related to Inactive Meters and Supplemental Charges

Possible Action: Receive Information and Provide Staff Direction

Adam Coyan summarized policies of other agencies on inactive meters and listed what the Board should determine in developing a policy for the District:

- What is the definition of an inactive meter?*
- Should they be charged the supplemental fee?*
- Should they be charged the base rate?*
- Can you become inactive whenever you want?*
- Why not have inactive meters pulled if the rate payer does not want to be charged?*
- Should we lock inactive meters?*

The General Manager stated there are 126 meters that did not use water from July 2021 to the present; the supplemental charges were removed as directed by the Board. This was a temporary stop gap until a permanent policy could be developed. There are 60 meters that have not used water since January.

Mr. Coyan told the Board there would be savings if the issues about inactive meters could be resolved before the installation of the 4100 new automated meters, currently expected to begin in April.

Mr. Coyan requested direction from the Board.

Lengthy discussion then ensued about how to develop a policy for the District with President Saunders posing questions to guide the discussion, with public comments accepted throughout. The questions, points of discussion and public comments are summarized below:

Who are we charging the supplemental fee?

- President Saunders stated how the supplemental fee is charged is guided by the Prop 218 process. The supplemental fee amount is based on the Rate Study which considers the number of connections at the time, which raises two questions: (1) does a meter equal a connection? (2) what is the number of meters available in the District? The \$15 supplemental charge is for the debt service fee for the loan to build the new treatment plant.*
- President Saunders clarified a capital facilities fee of \$9300 is charged when the parcel is not assessed and there is no meter. An escrow payment of \$150, which is the installation fee, is charged when the parcel has been assessed.*
- The General Manager explained with the conversion to Tyler, Staff found some of the inactive meter accounts were not being charged the supplemental fee prompting the need for a definition/policy to make billing consistent.*
- Director Thornbough stated the Prop 218 notice released in 2017 did not include inactive meters, so the 126 customers with inactive meters were not notified they had to pay the supplemental fee. These customers should not be charged the supplemental fee. President Saunders added if they become active, the fee triggers putting them in the supplemental fee pool.*
- Director Stewart stated all customers should be paying the fixed cost of maintaining the operations of the District. Director MacDonald agreed stating a connection is having meter hooked up to pay the basic associated fee.*

Public Comments: *Steven Proe asked how the District was going to address the amount of money property owners paid on the water line years ago and stated he had heard anything more about the mandated backflow devices required by the District. President Saunders responded that the backflow devices is for the irrigation system.*

Steve Dowd stated that Director Thornbough, Director Seaman, and Mr. Proe are correct. This was worked out two or three years ago with Operations Manager Darrell Creeks saying the District would work out a deal with the customers with inactive meters—if they wanted to remove the meter, the District would remove it. If they wanted it back, you would have an installation fee of \$150 or \$200. President

Saunders responded that this was built into the base and fixed rate charge. The issue now is defining who gets charged the supplemental fee.

Do we want to define an inactive meter as one that has never used water since it was installed? Do the Board members feel a connection is a stub or a connection that has a meter on it?

- Director Seaman stated a stub on a piece of property does not mean you have service; it is not an active connection, but you can acquire service.
- Director MacDonald stated he thinks a connection as being a physical one and make the meter and active synonymous with each other.
- Director Stewart stated if you have a meter, then you have a connection.
- Director Seaman stated “active” is any time a meter is installed with a connection and using water.
- Director Thornbrough commented that prior to the 218, those with inactive meters were not considered to be customers.
- President Saunders confirmed Director Thornbrough’s position that the 126 inactive meters would not pay the supplemental fee until they become an active customer, the fee triggers and that puts them in the supplemental fee pool.

Public Comments: Steve Proe asked where the property taxes received by the District is going. President Saunders explained by law, the ad valorem tax cannot be put into the Prop 218 equation and indicated there are restrictions on how funds can be used.

There is a fixed rate on meters to pay for infrastructure, operations, and maintenance. There is a variable fee on water usage, and then there is the supplemental fee. There was an inactive meter qualification, but that is no longer done. Do we define this as an active account or account customer? Right now, the District states once you have a meter, you are charged all fees. If you remove the meter, there are no fees.

- As with any other business, stated Director Thornbrough, you are not a customer unless you are purchasing water from the District.
- Mr. Coyan stated that anyone who has a meter installed opens an account with the District and are charged the base rate and the supplemental fee.
-

B. Consider Request for Proposals (RFP) for Auburn Lake Trails (ALT) Community Disposal System (CDS) and Non-CDS Engineering Study Related to Request for Approval of Accessory Dwelling Unit

Possible Action: Consider authorizing the release of an RFP for the ALT CDS and Non-CDS Engineering Study and provide staff direction.

Adam Brown summarized his staff report. He stated it is in the best interest of the District to issue an RFP for this engineering study due to several factors including new building zone requirements, new legislation, new septic tank technology and the District’s monitoring/sampling requirement.

President Saunders asked Mr. Brown to add connecting to the existing CDS lines to the RFP adding it is something that may have to be done for the wastewater side. Mr. Brown stated possibly evaluating how the CDS system works.

President Saunders commented that the Board should consider funding in terms of dividing the costs between the CDS and non-CDS and whether we should ask Auburn Lake Trails for any assistance with the funding.

Director Seaman said the District should be looking at stormwater mitigation into this system and this should be included in this study. It is based on flows and that would include any polluted and non-polluted water going into the system. She clarified for Mr. Brown that she was looking for INI.

In response to President Saunders' inquiry, Mr. Brown responded that the 2017 study was the Inflow Infiltration Study that looked at any surface water that would be entering into the system. He added the District also does smoke testing watertight testing, and camera sanitary sewer lines; this is done not every year, but by sections.

Director Thornbrough: The reserves you're talking about, is that the reserves as a result of the over-charging that was done? President Saunders said for the CDS it is not, the non-CDS it is. We have to determine which part of the funding comes from this because we have to do the entire system. We're not going to make that determination right now; we're just doing the RFP.

MOTIONED BY DIRECTOR SEAMAN TO APPROVE THE ISSUANCE OF THE RFP WITH THE ADDITIONS REQUESTED, INCLUDING STORMWATER MITIGATION MEASURES. SECONDED BY DIRECTOR THORNBROUGH.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

Public Comments: Steve Proe stated he read through documents and there is nothing that remotely complies with the wording of CEQA which states an adequate project description that describes the whole of the project so that everyone knows what you are bidding on. By law, the public needs to be notified at the earliest possible moment of the project description. It should be Request for Proposal based on, according to CEQA, an adequate, full and complete project description which this RFP does not contain.

Gary Philbin thanked for addressing and progressing with the issue of Accessory Dwelling Units, adding it is new legislation that will not go away.

President Saunders requested a motion to amend the agenda to consider Agenda Item 9B, Appointments to Board Committees, so those who have been waiting can give their statements.

MOTIONED BY DIRECTOR MACDONALD TO MOVE AGENDA ITEM 9B NEXT FOR CONSIDERATION. SECONED BY DIRECTOR STEWART.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

*The Board moved on to **Agenda Item 9B - Consider Appointments to Board Committees***

1. Appointment of Public Members the Irrigation Committee

Possible Action: Adopt Resolution 2022-XX appointing public members to the Irrigation Committee.

Director Seaman motioned to put off appointments to March. The motion died for lack of a second.

Director Thornbrough clarified that the two Board liaison members are not voting members. President Saunders stated there are four applicants to fill the openings on the committee. The number of public members can be expanded to seven (7).

President Saunders invited the applicants to give their statements:

Kristy McKay stated she moved to the Divide in 2016 and is by far the newest potential member. One of her major concerns is the guniting issue and what it has done to fire safety in the area and the existing eco systems, and whether proper Environmental studies were done. She stated she is a researcher by nature, is a graphic designer, but loves facts and figures and is very detailed oriented.

Director Stewart asked Ms. McKay if she believed guniting should continue to preserve water. She responded that there should be a study on how much water is actually being saved.

In response to Director Seaman's inquiry about irrigation water for fire protection, Kristy McKay stated they have two year-round ponds that have been affected by the guniting.

President Saunders added he was in her area checking on the guniting and saw al her dying evergreen trees.

Director MacDonald asked Ms. McKay if she had time to devote to the committee and

she responded that she did.

President Saunders stated that applicant John Duarte of Greenwood is largest irrigation customer in the District and has been for 23 years.

Eric Mead has been an irrigation customer for 40 years and he is in Cool close to Northside school.

Bill Trekel has also been an irrigation customer for 40 years and he's in Cool in the Cherry Acres side.

MOTIONED BY DIRECTOR MACDONALD TO APPOINT KRISTY MCKAY TO THE IRRIGATION COMMITTEE. SECONDED BY DIRECTOR THORNBROUGH.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

MOTIONED BY DIRECTOR STEWART TO APPOINT JOHN DUARTE TO THE IRRIGATION COMMITTEE. SECONDED BY DIRECTOR THORNBROUGH.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

MOTIONED BY PRESIDENT SAUNDERS MOTIONED TO APPOINT ERIC MEAD TO THE IRRIGATION COMMITTEE. SECONDED BY DIRECTOR THORNBROUGH.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

MOTIONED BY DIRECTOR MACDONALD TO APPOINT BILL TREKEL TO THE IRRIGATION COMMITTEE. DIRECTOR SEAMAN SECONDED THE MOTION.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

President Saunders commented this is the start of the Irrigation Committee adding the two Board liaison members will work with the new members to start meeting.

2. Appointment of Public Member to the Finance Committee

Possible Action: Adopt Resolution 2022-XX appointing a public member to the Finance Committee.

MOTIONED BY DIRECTOR STEWART TO APPOINT ROBERT STROFFREGEN TO THE FINANCE COMMITTEE. SECONDED BY DIRECTOR THORNBROUGH.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

A. Consider Terminating the Professional Services Agreement with Gloria Omania and Provide Direction to Staff.

Possible Action: Terminate the PSA with Gloria Omania and provide staff direction.

Mr. Coyan stated that the District was contacted by CalPERS after they reviewed Ms. Omania's PSA. They stated it appears that the District is treating her like an employee, and they wanted to remedy that. Her current PSA does not have tight enough tasks associated with it and the tracking of her hours for different District business isn't done quite well enough.

There are basically three options:

- 1. We could make her a Retired Annuitant — that would take a reorganization of the organizational chart, the hiring her as an employee*
- 2. Draft a new independent contractor agreement taking in all the considerations CalPERS recommended*
- 3. We can have her go through a temp agency such as Blue Ribbon Personnel and contract her services through Blue Ribbon.*

The General Manager invited Ms. Omania if she had anything to add.

Ms. Omania stated she initiated the contact with CalPERS when she learned that her hours was not being reported to them. In that contact, they asked some questions as to the member of CalPERS I was working for, and requested a copy of the PSA. A review of the PSA generated some additional questions and a determination that she appears to be an employee of the District.

In terms of the three options, stated Ms. Omania, it would take a lot to rewrite my contract to meet their standard of an independent contractor versus an employee. I am more productive if I am able to work directly with the General Manager, and the rest of the staff.

The option of being placed through a third party such as Blue Ribbon, is not a “slam dunk.” The temp agency is not certain they could accommodate the District with this and will need to go to Corporate to get an answer. Ms. Omania has not received that answer.

Ms. Omania stated that the third option of appointing her as a Retired Annuitant is probably the most viable at this point.

Erin Dervin, Legal Counsel, this issue was previewed in closed session. I had some opinions and questions from the Board members. In the intervening few hours, I was able to review some previous agreements. The law changed in January 2020 AB 5 was signed into law. It was aimed at “gig” workers like Uber drivers. But it put a fine point on previous court rulings about independent contractor questions. My previous opening about redrafting an independent contractor agreement is going to be very difficult to do because we are having her do work which is within the District’s regular scope of business. The statute and the very few cases in only a year or two what they talk about is that you can’t contract work that is within the course and scope of the employer’s business and have that person be an independent contractor. It is common for grant supervisors or grant writers to be contracted out, because while that’s related to the general scope of business, it is also called an attendant kind of project. The problem is that anything that is Board clerkish, we’re trodding into an area where we might be in violation of this new law. The other portions of the law I think we can comply with. If the Board’s desire is to continue to have Gloria to be in a stop gap place, obviously it’s needed right now so I think we need to create the Retired Annuitant position and have it be other duties as directed by the General Manager provided those duties don’t intrude upon the organized labor job description or duties.

President Saunders: *When we were initially hiring Gloria as an independent contractor was for special projects doing community outreach and doing those events. Then COVID happened and ended up having to have her fill in. The original scope of the contract was not for the things we ended up having to do. Where we are now, an independent contract would put her in the same position. We have her maybe look at grants, and cover the SRS loan, and special projects. We’re going to have to use her for Board Clerk and all those other fill-ins, which would put her in the same position.*

Erin Dervin injected “training”; she may be training a new Board Clerk. The other options dealing with a post retirement employee, there are two options—limited duration work, which does not require forming a new position and the limited

duration work which requires forming a new position. One is a single interim appointment versus where we make that position vacancy where you can also use her to fill the other ones.

They have the same kind of hour limits. I'd look at both options to see if it's viable to do one without creating the annuitant position where they can be appointed without having a position. That was the CalPERS 75.22 versus the 21.221 which is the position specific.

One option is to use her in the vacant position and we give the duration and time and the other is creating a position. Allowing stop-gap limited duration position. It doesn't lead to a permanent staff position it can be a year or two, whatever we specify.

Director Thornbrough: Can we just put here in the vacant position?

Erin Dervin: We don't really have a structure that allows someone to work filling this gap in the public sector.

My recommendation is to consider the retired annuitant. I can start working on the draft of a job description and sub it to the union for input. We have good relations with the unions so we could probably get a meeting with them fairly early.

PUBLIC COMMENTS: Steve Dowd asked why wasn't this figured out before the new PSA was signed. Why are we bending over backwards? Just hire somebody new.

Mr. Proe stated he agree with Steven Dowd, I'm not saying Gloria has done anything wrong I think there is a reason this Board is bending over backwards to retain this person. I don't think anyone has that kind of magnetism or the ability to get things done one way or the other. The other thing I have a big dispute over is I hope you're not taking into account what the recommendations of one person was, and that was our past engineer for GDPUD that probably cost at least a million dollars. It is on her application that engineer is in favor of her, and that scares me.

Cherie Carlyon already saw the PSA. Gloria doesn't have a business license.

President Saunders: We are not filling any open positions with Gloria. We are terminating the contract....

MOTIONED BY DIRECTOR THORNBROUGH TO TERMINATE THE PSA WITH GLORIA OMANIA. SECONDED BY DIRECTOR MACDONALD.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

DIRECTION TO STAFF TO PERSUE THE RETIRED ANNUITANT TO BRING BACK AND SHE HAS TEN DAYS EXTEND TO COMPLETE THE AMR WORKSHOIP. POST RETIREMENT FOR LIMITED DURATION POSITION LEGAL COUNSEL CAN BRING TO BOARD AND INFORMATION BACK FROM UNIONS.

Director MacDonald: How will her new salary be referenced to where it is right now

Erin Dervin: In creating a new job category, we will need to create a pay scale steps that could be included with ranges of sub steps. The General Manager and I will talk through and create the steps for this retired annuitant position. Placement on a step is based upon experience, etc. There will have to be a range.

Director MacDonald: What would be a ballpark; less or as much or more. What's the range possibility.

Erin Dervin: With the duties that are contemplated special projects, grant writing, and oversight and that type of thing, in my opinion that would be at least in the \$40 to \$45 dollars an hour kind of range. Those are some specialized skills. That would be the entry level. Generally speaking, you would see at least 5% between steps.

Gloria Omania: I just want to say CalPERS is not only concerned about hourly limits but with comparable pay. They don't me to be overly compensated, but want me to receive comparable pay for comparable positions. They actually ask for pa schedules of comparable positions.

Public Comment: Mr. Dowd How much did Gloria make through the Blue Ribbon temp agency? Can I ask that?

Gloria Omania: I can answer that. I believe it was \$28 dollars an hour, and I believe the markup for the district was \$39 an hour. When I was invited to submit my contract as an independent contractor, the interim General Manager corrected my PSA and raised it to \$45. What I came in with my original PSA was less than what the District was paying Blue Ribbon for my service—that was at \$35 an hour and he raised it to \$45 when he reviewed my PSA.

Erin Dervin asked if we could schedule a Special Meeting to work on this issue. A Special Meeting Was tentatively scheduled for Friday the 18th. @ 10 am.

B. NEW BUSINESS

a. Consider Suspending Late Fee Waiver and Shut-off Moratorium

Possible Board Action: Adopt Resolution 2022-XX suspending the waiver of late fees and shut-off moratorium.

Adam Coyan: *Shut offs and late fees were suspended due to COVID. I won't go through all the Executive Orders that were passed by the Governor. I thought it was important to include as a timeline going forward. Essentially the COVID restrictions got lifted as did the moratorium for the shutoffs and the late fees.*

My recommendation is to reinstitute late fees and shutoffs and give the people more notice than usual. That's number one, then number two there was a Resolution that modified one of the Ordinances. It modified the shutoff time. It used to be 30 days, if someone didn't pay, shut them off. A Resolution modified the Ordinance and put it to 60 days. Eventually I'd like to see that revisited and the Resolution made into an Ordinance.

That's the appropriate way to do things and clean things up. That's out of the scope of this meeting. I would like to see late fees and shutoffs reinstated, giving people the recommended time. Give customers more notice the policy will go in 60 days...notify customers and allow them to arrange debt payment plans. They will be notified in the next bill of suspension of shut-off moratorium.

President Saunders: *We will bring up the Ordinance issue in our Policy Committee. The policy won't go into effect until 60 days after the Resolution is passed. We will notify all the customers the moratorium has expired and water shutoffs will begin within 60 days. Based on all of our policies, they can have time to arrange a payment plan to avoid shutoff.*

Erin Dervin: *Just for the Boards information, the moratorium does not apply to a lien, if the Board wanted to apply a lien for nonpayment.*

President Saunders: *They already voted me down on that, so liens are out.*

DIRECTOR SEAMAN MOTIONED TO ADOPT THE RESOLUTION SUSPENDING THE WAIVER OF LATE FEES AND SHUTOFF MORATORIUM. DIRECTOR THORNBROUGH SECONDED THE MOTION.

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

Public comments: NONE.

b. Discuss a GDPUD Stormwater Management Plan

Possible Board Action: Receive information and provide staff direction.

Adam Coyan reported the storm water management plan the District is currently under is the West Slope Stormwater Resource Plan. We currently have a discharge permit for treated water. We don't need a discharge permit for stormwater. For the waste gate issue like where Mr. Proe lives, the only solution to that is to put in more waste gates and try to do that at seasonal runoffs where staff has access. I'm not sure the distance from one waste to the next that's particular to Steven Proe's seasonal stream, but if we put in another waste gate, at the next seasonal stream up, it would help out with the situation at the very minimum. That could be directed to the CIP budget for 2022–2023. That's what I put under the recommended action is the possibility of waste gates. Or do a study of the stormwater runoff.

Essentially, the only discharge permit we need is for treated water. Stormwater...it rains and it runs off.

Director Seaman: The only thing you may run into at a later date at the Regional Water Quality Control Board in our area starts looking at specific contaminants and we would have to do periodic sampling to find out a base line then ultimately something else. They go for the nitrogen; they go for the phosphorus they go for anything that could cause some kind of a problem later on. That's the only thing I can come up with.

Adam Coyan said typically that monitoring would be up stream and down stream where our runoff lands to the stream. The other issue with that is the runoff does pass through a lot of private property. Our sampling would be right where the wastegate

*happens because it can pickup contamination as it runs through other property as well
President Saunders: This is a good place as well where we can start using our stream
gaging to have implementations to put out quantified numbers in terms of when to use
different gates to have that mapped out as well. The other thing, if Director
Thornbrough's meeting tomorrow with EDWA bring this up to Ken Payne and their
consultant who is from Stantec who have done entire Western Slope and they have
prepared specific plans in PCWA, EID and other places.*

*Director Thornbrough, I think for Adam Brown to discuss with Ed Payne. Get that
email conversation going.*

*Public Comments: Mr. Proe is a little disappointed with General Manager report. It
isn't the story; it isn't the law. It appears that there is fabrication going on in
statements that do not correspond with facts on the ground. Certain things I discussed
with General Manager included these waste gates are used during other times
including times when the water is contaminated. Proe can bring documents to the
General Manager...I wish I knew then what I know now. I think that if the Board does
not make recommend to the General Manager to rethink his options, I will have to
revisit his thoughts and go from there. I have tried to help the District and provided
emails, documents, the law. What General Manager at this time is saying is not
consistent with that. If he's bringing the Stantec report attached to this report, that's
an ancient document and it is for discharge. This defines what I have to do next.
I don't fool around; I'm done fooling around. I will explore what I need to explore. I'd
be happy to provide you. I think I'm talking with a dead email. The only solution
General Manager brings up is not a resolution.*

*Mr. Dowd, thank you Steve Proe, applaud Donna Seamans. I'm worried about the
weed growers; they don't care about us the people who live here. They are just going
pesticides and fertilizers will runoff into our water supply. That's what we worry about.
I was on a committee 4-5 years ago in Placerville for the marijuana growing
committee that was of the things that we brought up at that time. It sounds like
everybody forgot about it. They're going to destroy this land and our drinking water.
President Saunders stated the District does not have a specific stormwater or
discharge plan at this point, and should be moving forward to begin developing gone.
To begin, the District must review the county and state requirements. We can control
what we can control in the District. We can take intermediate steps to mitigate that is
from how we do our testing. This is not something that can be done with a snap of a
finger. It will take a lot of research and input that's coming in. The expert who deals
with it. The Stantec is not the storm weather plan for the District, it shows they
evaluated the stormwater system for the county on the Western Slope. Those are the
first people that you go you they can give us the next steps. None of the documents
provided is representative of a District plan whatsoever.*

*Very few people have good stormwater plans. This is something we're going to have
to take on at the ground level.*

*How do we deal with excess water and those customers at the end of the line There
are a lot of considerations?*

c. Appointment of Legislative Liaison for Calendar Year 2022

Possible Action: Adopt Resolution 2022-XX appointing the Legislative Liaison.

President Saunders will create policies and procedures for anyone interested.

Gloria Omania: This is an item that was part of the reorganization of the Board.,
during the January meeting. This to designate one of the Board members as
legislative liaison

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

- d. **Appointment of GDPUD Alternate Director to El Dorado Water Agency Board**
Possible Action: Adopt Resolution 2022-XX appointing Alternate to the El Dorado Water Agency Board.

DIRETOR STEWART MOTIONED TO APPOINT DONNA SEAMAN AS THE ALTERNATE. SECONDED BY DIRECTOR SAUNDERS

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

- e. **Consider Approval of CalFire Grant Application Submittal**

Possible Action: Adopt Resolution 2022-XX authorizing submittal of grant application.

Adam Brown: A CalFire Grant came up in 2021. The Grant Committee saw an opportunity to use this money to provide some clearing around Walton Lake Treatment Plant. Most grants we see are a resolution of support from the Board. This application is for funding to clear around Walton Lake to create defensible space around the treatment plant, the two water tanks, and Walton Lake itself. It's approximately a 12.5-acre parcel.

There are a few steps to it if we get the grant. The first is to hire a forester to come in to look at the area and come up with a plan. We'll need to do environmental documents at that point. Once all that's complete, we would actually do the work.

President Saunders provided additional background from the Grants Committee. One of our Grand Committee members works for CalFire Grants. She is also a forester so she'll be able to help advise with this project. The other big impact is, we also want a place so emergency vehicles can have a place to get into Walton in case of fire. Clearing around Walton will have an effect on community members so we want to have their input on it.

DIRECTOR STEWART MOTIONED TO ADOPT THE RESOLUTION AUTHORIZING SUBMITTAL CALFIRE GRANT APPLICATION. SECONDED by Director THORNBROUGH

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

Director Seaman: Later down the road when these tanks have to be worked on, we need to have the ability to shut them down—that will affect the other tanks in the system.

- f. **Consider Setting a Public Hearing on the Development a Fire Mitigation and Resiliency Plan**

Possible Action: Direct Staff to set a public hearing and initiate the required public notification process.

Information and education for the public to allow for input. Director Seaman, you need all the information before a public hearing.

Staff directed to set public hearing for April.

- g. **Consider Authorizing the District to Conduct Meetings by Teleconference during the Period March 1 – March 31, 2022, as provided by Assembly Bill 361.**

Possible Action: Approve Resolution 2022-XX authorizing the District to continue teleconference meetings during the period March 1 to March 31, 2022.

DIRECTOR THORNBROUGH MOTIONED TO AUTHORIZE THE DISTRICT TO CONDUCT MEETINGS BY TELECONFERENCING DURING THE PERIOD OF MARCH 1— MARCH 31. DIRECTOR STEWART SECONDED THE MOTION,

ROLL CALL VOTE:

AYES: THORNBROUGH, MACDONALD, SEAMAN, STEWART, SAUNDERS

NOES: NONE.

ABSENT/ABSTAIN: NONE.

THE MOTION PASSED.

Public Comment: The State is lifting the mask requirement on the 15th said Cherie Carlyon.

C. PUBLIC HEARING

- D. **BOARD MEMBER REQUESTS FOR ADDITIONS TO FUTURE MEETING AGENDAS AND REQUESTS FOR INFORMATION OR RESEARCH TO BE COMPLETED BY STAFF** – Opportunity for Board members to discuss matters of interest to them and provide input for future meetings as well as report on their District-related meeting attendance.

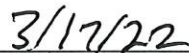
MOTIONED BY THORNBROUGH TO ADJOURN. SECONDED BY DIRECTOR MACDONALD. THE MOTION PASSED BY ACCLAMATION.

President Saunders adjourned the meeting at 7:23.

- E. **NEXT MEETING DATE AND ADJOURNMENT** – The next Regular Meeting will be on March 8, 2022 at 2:00 P.M. via teleconference. A Special Meeting to conduct a Public Hearing on Fire Resiliency Planning is scheduled for March 24, 2022, at 2 PM. Details to follow.



Adam Coyan, General Manager



Date