

**MINUTES OF THE MAY 17, 2021
BOARD OF DIRECTORS REGULAR MEETING
OF THE RIO LINDA/ELVERTA COMMUNITY WATER DISTRICT**

1. CALL TO ORDER, ROLL CALL

The May 17, 2021 meeting of the Board of Directors of the Rio Linda/Elverta Community Water District called to order at 6:30 p.m. via Zoom Video Conference. (late due to technical difficulties experienced by Board Member seeking to participate) This meeting was held in accordance with executive order n-29-20, issued by California governor Gavin Newsom on March 17, 2020, the Ralph M. Brown act (California government code section 54950, et seq.), and the federal Americans with disabilities act. General Manager Tim Shaw took roll call of the Board of Directors. President Jason Green, Director Robert Reisig, Director Mary Harris, Director Ridilla and General Manager Tim Shaw, Legal Counsel Barbara Brenner, public member Stephanie Suela were present. Director Chris Gifford was absent.

2. PUBLIC COMMENT

Public Member Suela commented on other water District's reopening.

3. CONSENT CALENDAR

3.1 Minutes – April 19, 2021

3.2 March Expenditures

3.3 March Financial Reports

Director Harris inquired on the six water agencies that were included in the minutes from April 19th that performed rate adjustments during the pandemic. GM Shaw stated he would email Director Harris the information he had sent Director Reisig.

No public comment.

It was moved by Director Harris and seconded by Director Reisig to approve the Consent Calendar. Directors Green, Ridilla, Reisig and Harris voted yes. Director Gifford was absent. The motion carried with a roll call vote of 4-0-0.

REGULAR CALENDAR

4. ITEMS FOR DISCUSSION AND ACTION

4.1 General Manager's Report

The General Manager presented his monthly report and offered to answer any questions the Board may have.

There was much discussion among members of the Board and GM regarding the 20% reduction of water usage.

Public member Suela mentioned the District was using conservation measures back under Henrici which included water days and now the District is no longer following those measures.

The Board made no action on this item.

4.2 District Engineer's Report – Mike Vasquez

Mike Vasquez provided a written report to the Board of projects in the works since the last meeting of the Board and offered to answer questions. The report highlighted topics of General Engineering, Active Development Reviews, Well 16 Pumping Station Construction Project.

Questions/comments included a question on the interest pertaining to the pipeline project.

The Board made no action on this item.

4.3 Consider directing staff on preparation of the District's 2020 Urban Water Management Plan (UWMP).

The Board of Directors should discuss/consider the following:

The merits of preparing and adopting a 2020 UWMP. If the Board desires for the UWMP plan to be prepared, the Board should also discuss and consider the following options:

- a. Direct the contract District Engineer's firm EKI Environment & Water, Inc. (EKI) to prepare the UWMP, or
- b. Direct staff to begin the Request for Proposals (RFP) process to solicit proposals from consultants to prepare the UWMP.

The pros/cons list developed for the Executive Committee is as follows:

Pros:

- Keeps the District grant eligible
- Prudent water supply management
- Consistent with what mainstream water systems do
- Addresses water shortage contingency plan (important with current and upcoming drought conditions)
- Addresses water conservation

Cons:

- Cost to prepare \$50,000
- No guarantee that grant funding will be available and/or needed
- No penalty for NOT preparing an UWMP with the exception that the District will be ineligible for grant funding.
- Even if the District funds, adopts and receives DWR approval of its 2020 UWMP, grant/loan eligibility may still be withheld for failing to achieve all required water use efficiency objectives.

Public member Suela commented on the cost and competitive bidding if the Board elects to go forward with an UWMP.

It was moved by Director Ridilla and seconded by Director Harris to prepare and adopt a 2020 UWMP. Directors Green, Ridilla, Harris, and Reisig voted yes. The motion carried with a roll call vote of 4-0-0. It was moved by Director Ridilla and seconded by Director Harris direct staff to initiate a RFP to complete the 2020 UWMP. Directors Green, Ridilla, Harris, and Reisig voted yes. The motion carried with a roll call vote of 4-0-0.

4.4 Consider authorizing the annual list of doubtful recovery debt accounts pursuant to District policy.

The District is a tax-exempt, non-profit government agency owned by the Rio Linda/Elverta community. When customers do not pay for the water services provided, and for which the District has incurred costs (payroll, energy, materials, etc.), the District has a responsibility to recover the costs via all reasonable methods. Failure to collect the cost of providing service results in transferring the cost burden from the non-paying customers to the paying customers. Pursuant to statutory requirements and District policy, the District must make all reasonable efforts to recover the cost of providing service. The various means to compel payment include:

- 1) Discontinuation of service until the unpaid balance is addressed. (statistically the most effective, but now more complex with the implementation of SB 998)
- 2) Recording a lien against the property (effectiveness limited by property sale, many customers ignore the lien if sale of the property is not anticipated)
- 3) Direct Assessment places a charge directly on the property owner's tax bill. If the charge remains unpaid for several years, the County has the authority to auction off the property for at least the amount of unpaid taxes. (effective but limited to once per calendar year).

The District regular performs methods 1 and 2. The District, although authorized by statute and District policy (4.31.290), is scheduled to execute the first iteration of method 3 later this year. In my opinion, due to the requirements of SB 998 codified in the District's Discontinuation of Residential Water Service for Non-payment, the District is compelled to include Direct Assessments in its "reasonable efforts" to recover costs.

Sometimes, despite all reasonable efforts, the District cannot recover the cost of providing service. Circumstances leading to non-recovery of costs include; bankruptcy declarations, short sells and other means of transferring property ownership faster than the District can record liens, failure by the District to exercise all reasonable efforts within the statutory time limits and/or pursuant to statutory requirements.

In the circumstances where the district cannot recover the cost of providing service, the District is compelled to declare the debt as "doubtful recovery" AKA write off (although the term write off is prone to connote the private sector accounting principle of writing off the loss as a tax deduction. The District, a tax-exempt entity, has no such benefit. Failure to declare doubtful recovery debt has the potential to lead to findings in our annual, independent audit because the District's financial records could fail to fairly and accurately reflect the District's financial position.

Comments/Questions Directors asked if there are state programs that can assist these customers, length of time they have been on the list. Public member Suela questioned the low dollar figures included in the recovery list and the District should adopt a policy.

It was moved by Director Ridilla and seconded by Director Reisig to approve the doubtful recovery debt. Directors Green, Reisig, Harris and Ridilla voted yes. The motion carried with a roll call vote of 4-0-0.

4.5 Consider approving the Lactation Accommodations policy required by state law.

SB 142, Wiener. Employees: lactation accommodation.

... Existing law requires employers to provide a reasonable amount of break time to employees desiring to express milk for the employee's infant child. Existing law also requires an employer to make reasonable efforts to provide the employee with the use of a room, or other location, other than a

bathroom, in close proximity to the employee's work area, for the employee to express milk in private. Existing law exempts an employer from the break time requirement if the employer's operations would be seriously disrupted by providing that time to employees desiring to express milk. Existing law subjects employers who violate these provisions to a civil penalty of \$100 per violation and authorizes the Labor Commissioner to issue citations for those violations.

This bill would instead require an employer to provide a lactation room or location that includes prescribed features and would require an employer, among other things, to provide access to a sink and refrigerator in close proximity to the employee's workspace, as specified. The bill would deem denial of reasonable break time or adequate space to express milk a failure to provide a rest period in accordance with state law. The bill would prohibit an employer from discharging, or in any other manner discriminating or retaliating against, an employee for exercising or attempting to exercise rights under these provisions and would establish remedies that include filing a complaint with the Labor Commissioner. The bill would authorize employers with fewer than 50 employees to seek an exemption from the requirements of these provisions if the employer demonstrates that the requirement posed an undue hardship by causing the employer significant difficulty or expense, as specified. The bill would require an employer who obtains an exemption to make a reasonable effort to provide a place for an employee to express milk in private, as specified.

The bill would require an employer to develop and implement a policy regarding lactation accommodation and make it available to employees, as specified.

Questions/Comments Public member Suela commented on the exception to having this policy with under 50 employees.

It was moved by Director Harris and seconded by Director Ridilla to adopt the Lactation Accommodations policy as required by state law. Green, Ridilla, Reisig, and Harris voted yes. The motion carried with a roll call vote of 4-0-0.

4.6 Consider increasing the authorized amount for purchasing a new (2021) dump truck.

The Status Report and associated discussion on the dump truck procurement included looking for the same (or better) price from a more local (closer than Whittier, CA) dealership. The most promising source is from a dealership in Yuba City, CA.

Unfortunately, as we endeavored to find a vehicle from a dealership closer to the District, and eliminate the logistics for getting the vehicle to the District, the availability of the Whittier dealership vehicle terminated (sold to someone else).

The best deal available cost about \$3,700 more than the Whittier vehicle. (\$75,760 compared to \$72,000). Nevertheless, the Yuba City vehicle is around \$10,000 less than the price from Elk Grove, Fairfield and National Joint Purchasing Alliance. The Yuba City vehicle has a 4-week lead time.

No public comment.

It was moved by Director Harris and seconded by Director Reisig to authorize \$75,760 for the purchase of a new 2021 dump truck. Green, Ridilla, Reisig, and Harris voted yes. The motion carried with a roll call vote of 4-0-0.

4.7 Authorize any New Board Member Assignments (committees and other) Proposed by the Chair Pursuant to District Policy 2.01.065

GM Shaw announced ACWA has a Board Region 4 seat available if the Board would like to consider a nomination for that seat.

No Public Comment on this item.

The Board President asked the full Board if anyone was interested in being nominated. No response.
The Board President announced there was no need for new Board Member assignments this month.

5. INFORMATION ITEMS

5.1. DISTRICT ACTIVITY REPORT

- 5.1.1. Water Operations - Report provided.
- 5.1.2. Conservation - Report Provided.
- 5.1.3 Completed and Pending Items Report- Report provided.
- 5.1.4 Sacramento County Board of Supervisors workshop on Elverta Specific Plan
- 5.1.5 Current rate adjustment process notices and announcements.
- 5.1.6 Documents associated with population served by RLECWD for reporting/compliance.
- 5.1.7 General explanation of SB 606 and AB 1668

5.2. BOARD REPORTS

- 5.2.1. Report any ad hoc committees dissolved by requirements in Policy 2.01.065
- 5.2.2. Sacramento Groundwater Authority – Harris, Reisig.
- 5.2.3. Sacramento Groundwater Authority (RWA and SCGA) 3x3- Reisig-
- 5.2.4 Executive Committee – Green, Reisig - Minutes provided.
- 5.2.5. ACWA/JPIA – Ridilla – Report Updates provided.
- 5.2.6 LAFCo Special District Advisory Committee – Reisig -No Meeting.

Director Harris commented that she had several complaints about the 218 Notice not appearing with the District's letterhead so customers were throwing them away. Public member Suela questioned office staffing of the District.

6. DIRECTORS' AND GENERAL MANAGER COMMENTS – Director Reisig would like to request the staff bring to the next agenda a campaign on getting customers to conserve.

7. ADJOURNMENT

President Green adjourned the meeting at 8:10 p.m.
Respectfully submitted,

Signature on File
Timothy R. Shaw, Secretary

Signature on File
Jason Green, President of the Board