

MINUTES OF THE SPECIAL MEETING OF THE FLORIN RESOURCE CONSERVATION DISTRICT/ELK GROVE WATER DISTRICT

Wednesday, November 19, 2013

The special meeting of the Board of Directors of the Florin Resource Conservation District was called to order at 6:30 p.m. by Barrie Lightfoot, Chair, at 9257 Elk Grove Blvd.

Call to Order, Roll Call and Pledge of Allegiance.

Committee Members: Chuck Dawson – present
Barrie Lightfoot – present
Tom Nelson – absent
Don Menasco – present
Elliot Mullberg - present

Associate Members: Davies Ononiwu and Mike Schmitz

Staff: Mark J. Madison, General Manager
Michelle Costa-Norwood, Administrative Assistant II (Confidential)
Steve Shaw, Water Treatment Foreman
Bruce Kamilos, Associate Civil Engineer

Consultants: Walt Sadler, HydroScience

Backflow/Cross-Connection Program Ordinance

General Manager Mark Madison presented the Elk Grove Water District Backflow/Cross-Connection Program Draft Article 8 (2nd Version) of Ordinance 06.22.11.01. He reviewed the problems with the current version and the most important issues to be considered. Mr. Madison stated the distinct changes between the first and second versions of the draft Article 8. These changes were derived from feedback from the Board of Directors and public comments at the November 6th special board meeting. Highlights of the changes include the following:

- A provision has been included authorizing EGWD Staff to install backflow prevention assemblies on the services to flat rate customers when meters are installed. This provision provides the customer the ability to pay back the EGWD over a six month period and specifies that the EGWD will warranty the materials and installation for one year. There is also an option for the customer to use their own licensed contractor for this work.
- Construction standards and details for backflow prevention assembly installations are incorporated by reference subject to the approval of those standards and details by the General Manager.
- All applicable fees associated with cross-connection control are now included.
- A provision has been added disqualifying a backflow assembly tester from the certified list if that tester knowingly fails to report a backflow device requiring testing even though the device is not on the EGWD list.

A discussion began regarding the provision that a tester would be disqualified from the EGWD list of certified backflow assembly testers, should they omit reporting a backflow device that requires testing. Mr. Madison requested direction from the Board on the time frame the tester should be disqualified from testing in the EGWD service area.

Chairman Barrie Lightfoot recommended that on the first offense, a tester would be removed from the approved EGWD list for a one year period. If there should be a second offense, the

tester would be removed for a five year time frame. The Board of Directors was all in favor of this addition to Section 8.9, B. Mr. Madison stated that staff would make the addition to the draft Article 8.

Mr. Madison began a discussion on the pre-defined list of businesses required to have backflow protection. He recommended that florists be added to the list. Water Treatment Foreman Steve Shaw stated there is a potential degree of hazard due to the activities done at this type of business. Mr. Madison also stated that Section 8.6, number 27 of the predefined list of business types will be revised to read Massage Therapy Clinics and Spas.

Mr. Madison provided an example of a business not on the pre-defined list. The draft Article 8 is written so that it allows EGWD the authority to survey a business if needed to properly assess if there is a potential degree of hazard to the public water system.

Vice-Chairman Chuck Dawson posed a question if properties with ornamental fountains are required to have a backflow prevention device. Mr. Madison stated staff would review the verbiage for item 7(a) to add clarity.

Mr. Bob Gray inquired if the District needed to charge for sales tax. Associate Civil Engineer Mr. Kamilos replied that sales tax was included in the total fee schedule. Mr. Madison said that staff would inquire if sales tax should be charged separately and not included in the fixed fee for installation of a backflow device. He would follow up with the Board of Directors on this matter.

A new discussion began on the topic of non-residential properties that have a meter, however currently do not have a backflow prevention device. Mr. Madison posed the question if EGWD should allow these customers, in addition to future non-residential customers not currently metered, the option for EGWD to install the backflow device. Chairman Barrie Lightfoot responded stating the District should give the customers the option of using EGWD for backflow device installation.

Chairman Barrie Lightfoot and Director Elliot Mulberg requested that legal counsel be consulted regarding the ability for EGWD to gain access to the inside of a building, should a customer choose to not let EGWD survey the business.

A lengthy discussion followed on Section 8.12 Fees and Charges. The Elk Grove Water District Cross-Connection Control Fee Schedule, table of fees was reviewed. There was a discussion on the breakdown of fees including materials, labor and equipment.

Mr. Kamilos recommended including additional verbiage on non-compliance for installing a backflow device in Section 8.5 and Section 8.11 of the draft version of Article 8. This would include language on the discontinuation of water service. Chairman Barrie Lightfoot requested this be addressed with legal counsel. Mr. Madison stated he will verify with legal counsel and notify the Board of the outcome.

A discussion on Section 8.14 Appeal, followed. Mr. Madison would like to modify the appeal language. He will discuss this with legal counsel and make modifications.

Chairman Barrie Lightfoot requested items that are being removed from this draft version of Article 8 be highlighted in red. Mr. Madison stated he will provide two copies, a black line and red lined, list of items removed from the second draft.

Mr. Madison reviewed next steps that included a customer notice, in the form of a bill insert, to be sent out on December 2, 2013. This insert will include information on the Meter Reading Optimization Project and Backflow Cross-Connection Program.

On December 11, 2013, the Board will consider a new version of Article 8 which in part, establishes the requirements of the new Backflow/Cross Connection Control Program. This new version will include certain fees for service, so a public hearing is held to formally receive comments.

Respectfully submitted,

Stefani Phillips

Stefani Phillips, Secretary

SP/mcn