

**MINUTES OF THE REGULAR MEETING OF THE  
FLORIN RESOURCE CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

**Tuesday, January 18, 2022**

The regular meeting of the Florin Resource Conservation District Board of Directors was called to order at 6:00 p.m. by Chair Sophia Scherman via Zoom.

**Call to Order, Roll Call, and Pledge of Allegiance.**

Directors Present: Sophia Scherman, Tom Nelson, Lisa Medina, Elliot Mulberg  
Directors Absent: None  
Staff Present: Bruce Kamilos, General Manager; Patrick Lee, Finance Manager/Treasurer; Stefani Phillips, Human Resources Administrator/Board Secretary; Travis Franklin, Program Manager; Amber Kavert, Administrative Assistant II (Confidential)  
Staff Absent: Donella Murillo, Finance Supervisor  
Associate Directors Present: Paul Lindsay  
Associate Directors Absent: None  
General Counsel Present: Ren Nosky, JRG Attorneys at Law  
Consultants Present: None

**Public Comment**

Vice-Chair Tom Nelson suggested pulling item 6 – Florin Resource Conservation District Committee Appointments and Outside Agency Representation – 2022 and waiting until the February meeting. The item has been postponed until February.

**1. Future Florin Resource Conservation District Board Meeting by Teleconference**

Board Secretary Stefani Phillips presented the item to the Florin Resource Conservation District (District) Board of Directors (Board).

In summary, the Board has conducted board meetings by teleconference since April 21, 2020. On September 30, 2021, Executive Order No. N-29-20, which allows for board meetings to be conducted by teleconference expired. On September 15, 2021, the Governor passed Assembly Bill (AB) 361 extending the allowance of public board meetings to be conducted by teleconference effective October 1, 2021, through December 31, 2023. At the September regular board meeting, the Board concurred that meetings continue to be conducted by teleconference in accordance with AB-361. To meet by teleconference under AB-361, local agency boards must include an initial agenda item to consider finding that the circumstances allowing a teleconference meeting under AB-361 exist. After the initial meeting, if 30 days or less have elapsed since the last meeting, an agenda item should be included to renew the determination that meeting in person presents health risks. However, if more than 30 days have passed, an initial agenda item must be included to re-authorize meeting by teleconference under AB-361.

MSC (Mulberg/Medina) to find by a majority vote under Gov. Code § 54953, subd. (e)(1)(B) that as a result of the COVID-19 emergency: (i) meeting in person would present imminent risks to the health or safety of attendees; and (ii) the meeting is authorized to be held by teleconference pursuant to Gov. Code § 54953, subd. (e)(1)(C). 4/0: Ayes: Medina, Mulberg, Nelson and Scherman.

**2. Proclamations and Announcements**

General Manager Bruce Kamilos announced the passing of Director Bob Gray. Chair Sophia Scherman called the meeting in memory of Directory Gray.

Chair Scherman presented Mr. Kamilos with a 10-year anniversary award.

Mr. Kamilos presented a 10-year award for Water Distribution Operator III David Frederick.

Mr. Kamilos also announced to the Board, the District was awarded the Association of California Water Agencies/Joint Power Insurance Authority "Presidents Special Recognition Award".

### 3. Florin Resource Conservation District Election of Officers – 2022

Ms. Phillips presented the item to the Board.

In summary, each year the Board elect a Chair and Vice-Chair to serve as officers of the Board for a period of one (1) year or until successors are elected.

Director Lisa Medina nominated Sophia Scherman as Chair. Director Elliot Mulberg seconded with the caveat that the Board look into establishing a policy regarding a rotation of the Chair and Vice-Chair in the 2023 calendar year.

MSC (Medina/Mulberg) to nominate Sophia Scherman as Chair and look into establishing a policy regarding a rotation of the Chair and Vice-Chair. 4/0: Ayes: Medina, Mulberg, Nelson and Scherman.

Director Tom Nelson nominated himself for Vice-Chair.

MSC (Nelson/Medina) to nominate Tom Nelson as Vice-Chair. 4/0: Ayes: Medina, Mulberg, Nelson and Scherman.

### 4. Board Member Vacancy

Ms. Phillips presented the item to the Board and provided background on the situation.

In summary, the Board has one (1) vacancy to fill on its five (5) member Board after the passing of Director Bob Gray in December. The board member vacancy may be filled by 1) wait until the election in November of 2022; or 2) fill the vacancy by appointment. To fill a vacancy by appointment, a notification seeking a board member must be posted for 15 days in a generally circulated newspaper. The notification shall also be posted in at least three (3) conspicuous places in the District before the Board makes the appointment. Staff would then bring the item to the full Board for consideration at the February regular Board meeting.

The Board determined the fill vacancy by appointment option was the way to go and directed staff to bring the item back to the February meeting. Staff will take all necessary steps and bring the item back at the February Regular Board Meeting.

### 5. Consent Calendar

- a. Minutes of Regular Board Meeting of November 16, 2021
- b. Accounts Payable Check History – November 2021
- c. Accounts Payable Check History – December 2021
- d. Board and Employee Expense/Reimbursements – November 2021
- e. Board and Employee Expense/Reimbursements – December 2021
- f. Active Accounts – November 2021
- g. Active Accounts – December 2021
- h. Bond Covenant Status for FY 2021-22 – November 2021
- i. Bond Covenant Status for FY 2021-22 – December 2021
- j. Year to Date Revenues and Expenses Compared to Budget – November 2021
- k. Year to Date Revenues and Expenses Compared to Budget – December 2021
- l. CASH - Detail Schedule of Investments– November 2021
- m. CASH - Detail Schedule of Investments– December 2021
- n. Consultants Expenses – November 2021

- o. Consultants Expenses – December 2021
- p. Major Capital Improvement Projects – November 2021
- q. Major Capital Improvement Projects – December 2021

MSC (Medina/Nelson) to approve Florin Resource Conservation District Consent Calendar items a-q. 4/0: Ayes: Medina, Mulberg, Nelson and Scherman.

## **7. Elk Grove Water District Fiscal Year 2021-22 Quarterly Operating Budget Status Report**

Finance Manager Patrick Lee presented the item to the Board.

In summary, revenues collected through the second quarter of the fiscal year total \$8,680,121 which is 55.23% of the \$15,716,093 annual budget. The revenues are \$443,137 or 4.86% below the same quarter of the prior year due to an overall reduction in consumption as part of the statewide water conservation effort.

## **8. Elk Grove Water District Fiscal Year 2021-22 Quarterly Capital Reserve Status Report**

Mr. Lee presented the item to the Board.

In summary, through the second quarter of Fiscal Year 2021-22, the District expended \$1,451,554 for capital projects leaving a remaining total reserve balance on December 31, 2021 of \$17,687,928.

## **9. Resumption of Penalties and Shutoffs**

Mr. Lee provided background on the item.

In summary, Executive Order N-42-20, which established a moratorium on water shutoffs due to nonpayment, and its extension through Senate Bill (SB) 155 to December 31, 2021 has expired. Through the California Water and Wastewater Arrearages Payment Program (Program), EGWD applied for and received \$246,620. The funding came from the State Water Resources Control Board using Federal American Rescue Plan Act of 2021 (ARPA) funds. This funding is to be used to assist customers who have experienced hardships due to the COVID-19 pandemic and is made available to cover any arrearages incurred during the period of March 4, 2020 through June 15, 2021. District staff is in the process of applying the appropriate credits to customer accounts in accordance with the Program guidelines. Staff anticipates that this should be completed no later than the end of January 2022. Based on this timeline, the soonest the District would be able to resume water shutoffs due to nonpayment would be the end of February. Since the timing of when the District can resume water service shutoff is dependent on when staff completes the application of credits to eligible customer accounts, staff is recommending that the Board adopt Resolution No. 01.18.22.01, rescinding Resolution No. 03.31.20.01 and authorizing the General Manager to resume the assessment of over the phone payment fees, door tag fees, late payment penalties and water shutoffs due to nonpayment.

The assessment of over the phone payment fees, door tag fees, late payment penalties and water shutoffs due to nonpayment will only resume after the 30-day grace period has expired for customers who must enter into a payment arrangement for remaining delinquent balances.

Vice-Chair Nelson asked if staff has contacted the customers who are applicable to receiving the credit. Mr. Lee mentioned staff will reach out to the appropriate customers after the credit is applied to their accounts to notify them and explain they have 30 days to pay any remaining balance before shut offs begin again.

MSC (Nelson/Medina) to adopt Resolution No. 01.18.22.01, rescinding Resolution No. 03.31.20.01 and authorizing the General Manager to resume the assessment of late payment penalties, door tag

fees and over the phone payment fees, and disconnection of water service due to nonpayment. 4/0: Ayes: Medina, Mulberg, Nelson and Scherman.

## **10. Florin Resource Conservation District/Elk Grove Water District 2020-2025 Strategic Plan Update**

Mr. Kamilos presented the item to the Board.

After discussion, staff will discuss the strategic plan update with Chair Scherman and Director Mulberg and bring back to the February meeting.

## **11. Ordinance Prohibiting the Theft of Water and Tampering with District Facilities**

Program Manager Travis Franklin presented the item to the Board.

In summary, SB 427 (Eggman) – Water Theft: enhanced penalties, was signed into law by the California state governor on July 23, 2021. SB 427 allows water agencies to adopt an ordinance with enhanced penalties for water theft. EGWD was the sponsor of SB 427 and worked with Senator Susan Talamantes-Eggman to ensure the legislation passed. Additions to the original bill were created to require agencies to develop a process for granting hardship waivers and splitting water theft into two (2) categories, meter tampering and all other forms of water theft. If the water theft is committed via meter tampering, the fines can be as high as \$130 for the first offense, \$700 for the second offense, and \$1,300 for each offense thereafter in the same year. All other forms of water theft which includes contractors making illegal connections to fire hydrants can be fined \$1000 for the first offense, \$2000 for the second offense, and \$3,000 for each offense thereafter in the same year. To reflect the enhanced penalties of SB 427, staff recommended adopting Ordinance No. 01.18.22.01, repealing and replacing Ordinance No. 05.15.19.01, prohibiting theft of water and tempering with District facilities.

MSC (Mulberg/Medina) to adopt Ordinance No. 01.18.22.01, repealing and replacing Ordinance No. 05.15.19.01, prohibiting theft of water and tempering with District facilities.

## **12. General Managers Report**

Mr. Kamilos presented the item to the Board.

In summary, regarding the Administration Office Tenant Improvements Project, the general contractor, A.P. Thomas, is in the process of preparing the guaranteed maximum price (GMP) for this project from the bid documents provided to them by MFDB Architects.

Technology Crest Corporation was unanimously selected to conduct the Information Technology Security Assessment by the Professional Services board working group.

Mr. Kamilos explained, the District hosted the first stop of a tour for Assemblymember Jim Cooper that was hosted by Regional Water Authority regarding the adopted Groundwater Sustainability Plan.

## **13. Sustainability of the South American Subbasin**

Mr. Kamilos provided background on the subject to the Board.

In summary, the Groundwater Sustainability Plan (Plan) for the South American Subbasin (SASb) has been completed and is in the process of being submitted to the California Department of Water Resources. The Plan instructs the Groundwater Sustainability Agencies responsible for managing the SASb to ensure the groundwater basin reaches sustainability within 20 years. In order for the SASb to achieve sustainability, projects will be needed to add more groundwater to the basin.

Staff will be providing short training sessions on complex issues related to water in our region in future board meetings.

#### 14. Regional Emergency Preparedness Program

Mr. Kamilos presented the item to the Board.

In summary, the District is a member of Regional Water Authority (RWA). RWA is proposing an additional program to participating members to conduct a Regional Emergency Preparedness Program (Program) at a total cost of \$75,000 shared equally among all participants. The District's not-to-exceed share to participate in the Program would be \$6,250 with \$2,500 allocated for Phase 1 and \$3,750 for Phase 2. Phase 1 would consist of the consultant conducting an in-depth seminar with the participants to gather information. Based on information gathered, the consultant would provide written recommendations on the next steps to develop a regional emergency response strategy. Phase 2 is optional and would largely be defined by the Program participants after reviewing the consultant's recommendations from Phase 1. Overall, the goal for the Program would be to collectively identify the risks and resources in our region and define how to coordinate a regional emergency response. Staff believes that the Program will provide valuable information to the District and will coincide well with the District's own recently certified Emergency Response Plan.

After discussion and a question about paying even in the event of withdrawing, the Board agreed to move forward and staff will ask for clarification on withdrawal information before signing the agreement.

MSC (Nelson/Medina) to adopt Resolution No. 01.18.22.02, amending the Elk Grove Water District Fiscal Year 2021-22 Operating Budget and authorizing the General Manager to transfer monies between expense categories.

#### 15. Elk Grove Water District Operations Report – November and December 2021

Mr. Kamilos presented the EGWD Operations Report – November and December 2021 to the Board and provided information on a couple operational events.

In summary, Well 11D had two (2) holes in the casing. Staff had Longmire Swaging seal off the holes. The well has been videoed and everything looks intact. Well 11D will be put back online after pumping clear water through when tested.

Mr. Kamilos also explained to the Board about a situation that occurred where a driver severed a fire hydrant on Elk Grove Boulevard.

#### 16. Directors Comments

Nothing to report.

Adjourn to Regular Board Meeting on February 15, 2022.

Respectfully submitted,

*Stefani Phillips*

Stefani Phillips, Board Secretary

AK/SP